

## FIFTEENTH DAY

(Continued)

(Thursday, June 24, 1937)

The House reconvened at 10:00 o'clock a. m., and was called to order by Speaker Calvert.

Speaker Calvert directed the Clerk to call the roll of the House.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Jones of Angelina
Adkins	Jones of Atascosa
Alexander	Jones of Falls
Alsup	Jones of Wise
Amos	Keith
Baker	Kelt
Beckworth	Kenyon
Bell	Kern
Boethel	King
Bond	Knetsch
Boyer	Lankford
Bradbury	Leyendecker
Bradford	Little
Bridgers	Loggins
Broadfoot	London
Brown	Lucas
Burton	Mann
Carssow	Mauritz
Cathey	Mays
Cauthorn	McConnell
Celaya	McDonald
Cleveland	McFarland
Davis of Haskell	McKee
Davison of Fisher	McKinney
Deglandon	Metcalfe
Derden	Moffett
England	Monkhouse
Farmer	Morris
Felty	Oliver
Fielden	Palmer
Fox	Patterson of Mills
Fuchs	Patterson
Graves	of Travis
Hamilton	Pope
Hankamer	Powell
Hanna	Prescott
Harbin	Ragsdale
Hardin	Reader
Harrell	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Riddle
Harris of Dickens	Rhodes
Herzik	Roark
Holland	Russell
Hoskins	Rutta
Howard	Schuenemann
Huddleston	Settle
Hull	Sharpe
Jackson	Simpson
Johnson	Skaggs
of Tarrant	Smith of Hopkins

Smith of Tarrant	Thornton
Stevenson	Vale
Stinson	Waggoner
Stocks	Walker
Tarwater	Weldon
Tennant	Winfree
Tennyson	Wood
Thornberry	Worley

## Absent

Bates	Keefe
Blankenship	Langdon
Callan	Lanning
Colquitt	Leath
Davis of Jasper	Leonard
Dean	Morse
Dickison	Newton
Dollins	Ross
Gibson	Sewell
Hartzog	Shell
James	Talbert
Johnson of Ellis	Westbrook

## Absent—Excused

Cagle	McCracken
Davisson	Nicholson
of Eastland	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda

The Speaker announced that there was a quorum present.

## LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following Members were granted leaves of absence, as follows:

Mr. Patterson of Mills for last evening, on account of illness, on motion of Mr. Brown.

Mr. Cagle for today, on account of important business, on motion of Mr. Bradford.

Mr. Davisson of Eastland for today and the balance of the week, on account of important business, on motion of Mr. Prescott.

Mr. Smith of Matagorda for today, on account of important business, on motion of Mr. Farmer.

## BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Winfree, Senate Bill No. 29 was ordered not printed.

## RELATIVE TO HOUSE BILL NO. 63

Mr. Hankamer asked unanimous consent of the House, that the following corrections be made in House Bill No. 63:

There was no objection offered, and it was so ordered.

Amend House Bill No. 63, by changing Article "2687-a" to Article "2687-b" wherever the same appears in the bill.

Amend the caption of House Bill No. 63 to conform to the changes and to the body of the bill.

#### HOUSE CONCURRENT RESOLUTION NO. 26 WITH SENATE AMENDMENTS

Mr. Waggoner called up from the Speaker's table, with Senate amendments, for consideration of the amendments, House Concurrent Resolution No. 26, To express legislative intent in regard to certain bill.

The Speaker laid the resolution before the House with the Senate amendments.

On motion of Mr. Waggoner, the House concurred in the Senate amendments.

#### SENATE BILL NO. 29 ON SECOND READING

On motion of Mr. Winfree, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, Senate Bill No. 29.

Mr. Winfree moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 29 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adkins	Cathey
Alexander	Cauthorn
Alsup	Celaya
Amos	Cleveland
Baker	Colquitt
Beckworth	Davis of Jasper
Bell	Davison of Fisher
Blankenship	Deglandon
Boethel	Derden
Bond	Dickison
Boyer	Farmer
Bradbury	Fielden
Bridgers	Fox
Broadfoot	Fuchs
Burton	Gibson
Callan	Graves
Carssow	Hamilton

Hankamer	Monkhouse
Hanna	Morris
Harbin	Morse
Harris of Archer	Palmer
Harris of Dallas	Patterson
Harris of Dickens	of Travis
Herzik	Pope
Holland	Powell
Hoskins	Prescott
Huddleston	Ragsdale
Jackson	Reader
James	Reed of Bowie
Johnson of Ellis	Reed of Dallas
Johnson	Rhodes
of Tarrant	Riddle
Jones of Angelina	Roark
Jones of Falls	Russell
Jones of Wise	Rutta
Keith	Schuenemann
Kelt	Settle
Kenyon	Sharpe
Kern	Shell
King	Simpson
Knetsch	Skaggs
Langdon	Smith of Hopkins
Lankford	Smith of Tarrant
Lanning	Stinson
Leonard	Stocks
Leyendecker	Talbert
Little	Tennant
London	Tennyson
Lucas	Thornberry
Mann	Thornton
Mauritz	Vale
Mays	Waggoner
McConnell	Walker
McDonald	Weldon
McKee	Westbrook
McKinney	Winfree
Metcalfe	Wood
Moffett	Worley

#### Absent

Bates	Jones of Atascosa
Bradford	Keefe
Brown	Leath
Davis of Haskell	Loggins
Dean	McFarland
Dollins	Newton
England	Oliver
Hardin	Patterson of Mills
Harrell	Ross
Hartzog	Sewell
Howard	Stevenson
Hull	Tarwater

#### Absent—Excused

Cagle	McCracken
Davisson	Nicholson
of Eastland	Petsch
Felty	Quinn
Harper	Smith
Heflin	of Matagorda
Hyder	

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 29, A bill to be entitled "An Act amending Chapter 141, Acts Fortieth Legislature, Regular Session, and House Bill No. 321, Acts Regular Session, Forty-fifth Legislature, creating the office of the Veterans' State Service Office attached to the Adjutant General's Department; providing for the appointment of a Veterans' State Service Officer and certain Assistant Veterans' State Service Officers, and other necessary personnel; defining the qualifications, authority, and duties of such officers; fixing and authorizing payment of their salaries, travel, and other expenses; providing that the main office shall be located in Austin, Travis County, Texas; repealing all laws and parts of laws in conflict therewith; providing a saving clause, and declaring an emergency."

The bill was read second time, and was passed to third reading.

#### SENATE BILL NO. 29 ON THIRD READING

The Speaker then laid Senate Bill No. 29 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119

Adkins	Derden
Alexander	Dickison
Amos	Farmer
Baker	Felty
Beckworth	Fielden
Bell	Fox
Blankenship	Fuchs
Boethel	Gibson
Bond	Graves
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hanna
Bridgers	Harbin
Broadfoot	Hardin
Brown	Harris of Archer
Burton	Harris of Dallas
Callan	Harris of Dickens
Carssow	Herzik
Cathey	Holland
Cauthorn	Hoskins
Celaya	Howard
Cleveland	Huddleston
Colquitt	Jackson
Davis of Haskell	Johnson of Ellis
Davis of Jasper	Johnson
Davison of Fisher	of Tarrant
Deglandon	Jones of Angelina

Jones of Falls  
Jones of Wise  
Keith  
Kelt  
Kenyon  
Kern  
King  
Knetsch  
Lankford  
Lanning  
Leath  
Leonard  
Leyendecker  
Little  
London  
Lucas  
Mann  
Mauritz  
Mays  
McConnell  
McDonald  
McKee  
McKinney  
Metcalf  
Moffett  
Monkhouse  
Morris  
Morse  
Oliver  
Palmer  
Patterson  
of Travis  
Pope  
Powell

Prescott  
Ragsdale  
Reader  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Riddle  
Roark  
Russell  
Rutta  
Schuenemann  
Settle  
Sharpe  
Shell  
Simpson  
Skaggs  
Smith of Hopkins  
Smith of Tarrant  
Stevenson  
Stinson  
Stocks  
Talbert  
Tennant  
Thornberry  
Thornton  
Vale  
Waggoner  
Walker  
Weldon  
Westbrook  
Winfree  
Wood  
Worley

#### Absent

Alsup	Keefe
Bates	Langdon
Dean	Loggins
Dollins	McFarland
England	Newton
Harrell	Patterson of Mills
Hartzog	Ross
Hull	Sewell
James	Tarwater
Jones of Atascosa	Tennyson

#### Absent—Excused

Cagle	McCracken
Davisson	Nicholson
of Eastland	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda

#### RELATIVE TO HOUSE BILL NO. 40

Mr. Alexander moved to reconsider the vote by which House Bill No. 40 was postponed until 2:30 o'clock p. m., today.

The motion to reconsider prevailed.

Question then recurring on the motion to postpone the bill, it was lost..

HOUSE BILL NO. 69 ON PASSAGE  
TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 69, A bill to be entitled "An Act to amend Article 305, Revised Civil Statutes, 1925, pertaining to candidates applying for examination to practice law; fixing the educational qualifications for applicants for examination; authorizing the Board to waive certain rules of the Supreme Court; providing for liberal construction of certain provisions of this Act; authorizing recommendation of local bar associations in connection with the examination of applicants; providing for recommendations where no bar association exists in county of residence of applicant; and making such recommendation to prevail, and declaring an emergency."

The bill having been read second time, with amendment by Mr. Keith, pending.

Mr. Harbin moved to table the amendment by Mr. Keith.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—74

Adkins	Harris of Dickens
Alsup	Holland
Amos	Huddleston
Baker	James
Bates	Johnson of Ellis
Beckworth	Johnson
Bradbury	of Tarrant
Bradford	Jones of Angelina
Bridgers	Jones of Falls
Brown	Kern
Callan	King
Cathey	Lankford
Celaya	Lanning
Colquitt	Leath
Davis of Haskell	Leonard
Davis of Jasper	Leyendecker
Davisson	Loggins
of Eastland	Lucas
Deglandon	Mann
Dickison	Mauritz
Fielden	Mays
Fuchs	McKinney
Gibson	Monkhouse
Harbin	Morris
Hardin	Newton
Harrell	Patterson
Harris of Archer	of Travis
Harris of Dallas	Pope

Powell	Stevenson
Prescott	Stocks
Ragsdale	Talbert
Reed of Bowie	Tarwater
Rhodes	Tennyson
Roark	Vale
Sharpe	Weldon
Simpson	Westbrook
Skaggs	Winfree
Smith of Hopkins	Wood
Smith of Tarrant	

## Nays—42

Bell	Keith
Blankenship	Knetsch
Boethel	McConnell
Bond	McDonald
Boyer	McFarland
Burton	McKee
Carssow	Metcalfe
Cauthorn	Moffett
Cleveland	Reader
Davison of Fisher	Reed of Dallas
Derden	Russell
Fox	Rutta
Graves	Schuenemann
Hamilton	Settle
Hankamer	Shell
Hanna	Tennant
Hartzog	Thornberry
Howard	Thornton
Hull	Waggoner
Jones of Atascosa	Walker
Jones of Wise	Worley

## Present—Not Voting

Kelt

## Absent

Alexander	Langdon
Broadfoot	Little
Dean	London
Dollins	Morse
England	Oliver
Farmer	Palmer
Herzik	Patterson of Mills
Hoskins	Riddle
Jackson	Ross
Keefe	Sewell
Kenyon	Stinson

## Absent—Excused

Cagle	Nicholson
Felty	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda
McCracken	

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 69, by striking out the word "shall" in line 66, page 1, and insert in lieu thereof the word "may".

Mr. Beckworth moved to table the amendment.

Question recurring on the motion to table the amendment by Mr. Thornton, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—50

Adkins	Lankford
Alsup	Lanning
Amos	Leath
Baker	Leyendecker
Beckworth	Lucas
Bradbury	Mann
Bradford	Mauritz
Callan	Mays
Cathey	Newton
Celaya	Palmer
Davis of Jasper	Powell
Davisson	Prescott
of Eastland	Ragsdale
Fielden	Reed of Bowie
Gibson	Rhodes
Harbin	Roark
Hardin	Sewell
Harrell	Simpson
Huddleston	Skaggs
James	Smith of Tarrant
Johnson of Ellis	Tarwater
Jones of Angelina	Tennyson
Jones of Falls	Weldon
Kern	Westbrook
King	Winfree
Langdon	

## Nays—69

Bell	Holland
Blankenship	Howard
Boethel	Jackson
Bond	Johnson
Boyer	of Tarrant
Bridgers	Jones of Atascosa
Broadfoot	Jones of Wise
Brown	Keith
Burton	Kelt
Carssow	Kenyon
Cauthorn	Knetsch
Cleveland	Little
Colquitt	London
Davis of Haskell	McConnell
Deglandon	McDonald
Derden	McFarland
Fox	McKee
Fuchs	McKinney
Graves	Metcalfe
Hamilton	Moffett
Hankamer	Monkhouse
Hanna	Morris
Harris of Archer	Morse
Harris of Dallas	Patterson
Harris of Dickens	of Travis
Hartzog	Pope
Herzik	Reader

Reed of Dallas  
Russell  
Rutta  
Schuenemann  
Sharpe  
Shell  
Smith of Hopkins  
Stocks  
Talbert

Tennant  
Thornberry  
Thornton  
Vale  
Waggoner  
Walker  
Wood  
Worley

## Absent

Alexander	Leonard
Bates	Loggins
Dean	Oliver
Dickison	Patterson of Mills
Dollins	Riddle
England	Ross
Farmer	Settle
Hoskins	Stevenson
Hull	Stinson
Keefe	

## Absent—Excused

Cagle	McCracken
Davison of Fisher	Nicholson
Felty	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda

Mr. Gibson moved the previous question on the pending amendment and the engrossment of House Bill No. 69, and the main question was ordered.

Question then recurring on the amendment by Mr. Thornton, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—77

Bell	Harris of Dallas
Blankenship	Harris of Dickens
Boethel	Hartzog
Bond	Herzik
Boyer	Holland
Bridgers	Hoskins
Broadfoot	Howard
Brown	Jackson
Burton	Johnson
Carssow	of Tarrant
Cauthorn	Jones of Atascosa
Cleveland	Jones of Wise
Colquitt	Keefe
Davis of Haskell	Keith
Deglandon	Kelt
Derden	Kenyon
Fox	King
Fuchs	Knetsch
Graves	Leonard
Hamilton	Little
Hankamer	London
Hanna	Mauritz
Harris of Archer	McConnell

McDonald	Shell
McFarland	Smith of Hopkins
McKee	Smith of Tarrant
McKinney	Stocks
Metcalfe	Talbert
Moffett	Tarwater
Monkhouse	Tennant
Morris	Tennyson
Patterson	Thornberry
of Travis	Thornton
Reader	Vale
Reed of Dallas	Waggoner
Roark	Walker
Russell	Winfree
Rutta	Wood
Schuenemann	Worley
Sharpe	

Nays—44

Adkins	Jones of Falls
Alsup	Kern
Amos	Lankford
Baker	Lanning
Beckworth	Leyendecker
Bradbury	Lucas
Bradford	Mann
Callan	Mays
Cathey	Morse
Celaya	Newton
Davis of Jasper	Palmer
Davisson	Powell
of Eastland	Prescott
Dickison	Ragsdale
Fielden	Reed of Bowie
Gibson	Rhodes
Harbin	Sewell
Hardin	Simpson
Harrell	Skaggs
Huddleston	Stevenson
James	Weldon
Johnson of Ellis	Westbrook
Jones of Angelina	

Present—Not Voting

Leath

Absent

Alexander	Loggins
Bates	Oliver
Dean	Patterson of Mills
Dollins	Pope
England	Riddle
Farmer	Ross
Hull	Settle
Langdon	Stinson

Absent—Excused

Cagle	McCracken
Davison of Fisher	Nicholson
Felty	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda

Mr. Keith moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Thornton moved to reconsider the vote by which the main question was ordered.

Mr. Fielden raised a point of order, on consideration of the motion, at this time, on the ground that the motion comes too late, inasmuch other business has been transacted.

The Speaker sustained the point of order.

House Bill No. 69 was then passed to engrossment.

## HOUSE BILL NO. 69 ON THIRD READING

Mr. Derden moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

Alexander	Hardin
Alsup	Harrell
Amos	Harris of Archer
Baker	Harris of Dallas
Beckworth	Harris of Dickens
Bell	Hartzog
Boethel	Herzik
Boyer	Holland
Bradbury	Hoskins
Bradford	Huddleston
Bridgers	Jackson
Broadfoot	James
Brown	Johnson of Ellis
Callan	Johnson
Cathey	of Tarrant
Cauthorn	Jones of Angelina
Celaya	Jones of Atascosa
Cleveland	Jones of Wise
Colquitt	Keefe
Davis of Haskell	Kelt
Davis of Jasper	Kern
Davisson	King
of Eastland	Knetsch
Deglandon	Langdon
Derden	Lankford
Dickison	Lanning
Fielden	Leath
Fuchs	Leonard
Gibson	Leyendecker
Graves	Little
Hamilton	Lucas
Hankamer	Mauritz
Harbin	Mays

McConnell	Rutta
McFarland	Settle
McKee	Sewell
McKinney	Sharpe
Metcalfe	Simpson
Moffett	Skaggs
Monkhouse	Smith of Hopkins
Morris	Smith of Tarrant
Morse	Stevenson
Newton	Stocks
Palmer	Talbert
Patterson	Tarwater
of Travis	Tennant
Pope	Tennyson
Powell	Thornton
Prescott	Vale
Reader	Waggoner
Reed of Bowie	Walker
Reed of Dallas	Weldon
Rhodes	Westbrook
Roark	Winfree
Russell	Wood

## Nays—15

Blankenship	Kenyon
Bond	London
Burton	Mann
Carssow	McDonald
Fox	Schuenemann
Hanna	Shell
Howard	Thornberry
Keith	

## Absent

Adkins	Loggins
Bates	Oliver
Dean	Patterson of Mills
Dollins	Ragsdale
England	Riddle
Farmer	Ross
Hull	Stinson
Jones of Falls	Worley

## Absent—Excused

Cagle	McCracken
Davison of Fisher	Nicholson
Felty	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda

The Speaker then laid House Bill No. 69 before the House on third reading and final passage.

The bill was read third time.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 69, by striking out the words "and shall prevail" in lines 9 and 10, page 2, and placing a period after the word "Board".

The amendment was adopted.

Mr. Fox offered the following amendment to the bill:

Amend House Bill No. 69, by striking out all of Section (A), lines 58 to 64.

Mr. Derden moved to table the amendment.

Question recurring on the motion to table the amendment by Mr. Fox, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—79

Adkins	Leyendecker
Alexander	Lucas
Alsup	Mauritz
Amos	Mays
Baker	McFarland
Bates	Moffett
Beckworth	Monkhouse
Bradbury	Morris
Brown	Morse
Callan	Newton
Cathey	Palmer
Cauthorn	Patterson
Cleveland	of Travis
Davis of Jasper	Pope
Deglandon	Powell
Derden	Prescott
Dickison	Ragsdale
England	Reed of Bowie
Fielden	Reed of Dallas
Fuchs	Rhodes
Gibson	Roark
Hamilton	Russell
Harbin	Rutta
Hardin	Settle
Holland	Sewell
Hoskins	Sharpe
Huddleston	Simpson
Hull	Skaggs
James	Smith of Hopkins
Johnson of Ellis	Smith of Tarrant
Johnson	Stocks
of Tarrant	Talbert
Jones of Angelina	Tarwater
Jones of Atascosa	Tennyson
Jones of Falls	Waggoner
Kenyon	Weldon
Kern	Westbrook
King	Winfree
Langdon	Wood
Lankford	Worley
Leath	

## Nays—38

Bell	Bridgers
Blankenship	Broadfoot
Boethel	Burton
Bond	Carssow
Boyer	Colquitt
Bradford	Fox

Graves	Knetsch
Hankamer	Lanning
Hanna	Little
Harrell	McConnell
Harris of Archer	McDonald
Harris of Dallas	McKinney
Harris of Dickens	Metcalf
Hartzog	Schuenemann
Jackson	Shell
Jones of Wise	Tennant
Keefe	Thornberry
Keith	Thornton
Kelt	Vale

## Absent

Celaya	London
Davis of Haskell	Mann
Davisson	McKee
of Eastland	Oliver
Dean	Patterson of Mills
Dollins	Reader
Farmer	Riddle
Herzik	Ross
Howard	Stevenson
Leonard	Stinson
Loggins	Walker

## Absent—Excused

Cagle	McCracken
Davison of Fisher	Nicholson
Felty	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda

Mr. Prescott moved the previous question on the pending amendment and passage of House Bill No. 69, and the main question was ordered.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 69 was then passed by the following vote:

## Yeas—105

Adkins	Celaya
Alexander	Cleveland
Alsup	Davis of Jasper
Amos	Davisson
Baker	of Eastland
Bates	Deglandon
Beckworth	Derden
Bell	Dickison
Bond	England
Bradbury	Fielden
Bradford	Fuchs
Bridgers	Gibson
Broadfoot	Hamilton
Brown	Hardin
Callan	Harbin
Cathey	Harrell
Cauthorn	Harris of Archer

Harris of Dickens	Newton
Herzik	Palmer
Holland	Patterson of Mills
Hoskins	Patterson
Huddleston	of Travis
Hull	Pope
James	Powell
Johnson of Ellis	Prescott
Johnson	Ragsdale
of Tarrant	Reed of Bowie
Jones of Angelina	Reed of Dallas
Jones of Atascosa	Rhodes
Jones of Falls	Roark
Jones of Wise	Russell
Keefe	Rutta
Kelt	Settle
Kern	Sewell
King	Sharpe
Langdon	Shell
Lankford	Simpson
Lanning	Skaggs
Leath	Smith of Hopkins
Leyendecker	Smith of Tarrant
Little	Stevenson
Loggins	Stocks
Lucas	Talbert
Mauritz	Tarwater
Mays	Tennant
McConnell	Tennyson
McFarland	Thornberry
McKee	Waggoner
McKinney	Walker
Metcalf	Weldon
Moffett	Westbrook
Monkhouse	Winfree
Morris	Wood
Morse	Worley

## Nays—20

Blankenship	Harris of Dallas
Boethel	Hartzog
Boyer	Howard
Burton	Jackson
Carssow	Keith
Colquitt	Kenyon
Fox	Knetsch
Graves	McDonald
Hankamer	Schuenemann
Hanna	Thornton

## Absent

Davis of Haskell	Oliver
Dean	Reader
Dollins	Riddle
Farmer	Ross
Leonard	Stinson
London	Vale
Mann	

## Absent—Excused

Cagle	Heflin
Davison of Fisher	Hyder
Felty	McCracken
Harper	Nicholson

Petsch  
Quinn

Smith  
of Matagorda

Mr. Prescott moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 26 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act prohibiting the keeping of any premises for the purpose of dog racing upon which money or anything of value is being bet on said premises; providing penalties, and declaring an emergency."

The bill having heretofore been read second time, and further consideration of same postponed until today.

On motion of Mr. Gibson, further consideration of the bill was postponed until 10:00 o'clock a. m., tomorrow.

#### HOUSE BILL NO. 40 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 40, A bill to be entitled "An Act providing an open season for taking mourning doves and white winged doves in the State of Texas; providing a bag limit and possession limit for such birds; providing the means by which same may be taken; providing the hours for shooting during the open season; providing a penalty for violation of any provision of this Act; repealing all laws in conflict with any provision of this Act, and declaring an emergency."

The bill having heretofore been read second time, and further consideration of same postponed until today.

Mr. Hoskins offered the following committee amendment to the bill:

Amend Section 1, House Bill No. 40, by adding the following:

"Provided that the open season for mourning doves in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, King, Cottle, and Childress Counties and in all counties north and west thereof shall be during the month of Septem-

ber and from December 1st to January 16th."

The amendment was adopted.

(Mr. Knetsch in the Chair.)

Mr. Hoskins offered the following committee amendment to the bill:

Amend House Bill No. 40, by adding:

"Providing that the open season for mourning doves in Caldwell, Gonzales, DeWitt, Lavaca, Fayette, Karnes, Wilson, Calhoun, Victoria, Goliad, Colorado, Austin, and Washington Counties, shall be during the period from December 1 to January 16 of each year only."

Mr. Pope moved that further consideration of House Bill No. 40 be postponed until 2:00 o'clock p. m., today.

Mr. Leonard moved to table the motion by Mr. Pope.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—60

Adkins	Johnson of Ellis
Alexander	Johnson
Alsup	of Tarrant
Amos	Jones of Angelina
Baker	Jones of Atascosa
Bates	Jones of Falls
Bell	Kenyon
Boethel	Leonard
Boyer	Leyendecker
Brown	Little
Callan	Lucas
Celaya	Mann
Cauthorn	McFarland
Cathey	Metcalfe
Cleveland	Monkhouse
Colquitt	Morse
Davis of Haskell	Newton
Davis of Jasper	Palmer
Deglandon	Patterson of Mills
Dickison	Patterson
Felty	of Travis
Fox	Settle
Graves	Sewell
Hamilton	Sharpe
Harrell	Stinson
Hartzog	Thornberry
Hoskins	Thornton
Howard	Vale
Huddleston	Weldon
Jackson	Westbrook
James	Worley

Nays—55

Beckworth	Bradbury
Blankenship	Burton

Derden	Moffett
England	Morris
Fielden	Pope
Fuchs	Powell
Hanna	Prescott
Harbin	Reader
Hardin	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Rhodes
Hull	Ross
Jones of Wise	Russell
Keefe	Rutta
Keith	Schuenemann
Kelt	Shell
Kern	Skaggs
King	Smith of Hopkins
Langdon	Smith of Tarrant
Lankford	Stevenson
Lanning	Stocks
Leath	Talbert
Loggins	Tarwater
London	Tennant
Mauritz	Tennyson
Mays	Waggoner
McConnell	Walker
McKee	

## Absent

Bond	Herzik
Bradford	Holland
Bridgers	Knetsch
Broadfoot	McDonald
Carssow	McKinney
Davison	Oliver
of Eastland	Ragsdale
Dean	Riddle
Dollins	Roark
Farmer	Simpson
Gibson	Winfree
Hankamer	Wood
Harris of Dickens	

## Absent—Excused

Cagle	Nicholson
Davison of Fisher	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda
McCracken	

Mr. Brown offered the following amendment to the committee amendment:

Amend committee amendment No. 3 to House Bill No. 40, by adding after the word "Washington" in line No. 4 the following: "Cherokee, Rusk, Brazoria, Matagorda, Brazos, Grimes, Leon, Madison, Montgomery, Jackson, Wharton, Bastrop, Walker, San Jacinto, Polk, Trinity, Hardin, Liberty,

Angelina, Tyler, Nacogdoches, Henderson, Anderson, Eastland, Callahan."

BROWN,  
LEATH,  
SMITH of Matagorda,  
McDONALD,  
PALMER,  
MAURITZ,  
POWELL,  
DEGLANDON,  
LUCAS.

Mr. Smith of Hopkins moved to postpone further consideration of House Bill No. 40 until 10:00 o'clock a. m., tomorrow.

Mr. Sharpe moved to table the motion to postpone.

The motion to table prevailed.

Question recurring on the amendment by Mr. Brown, it was adopted.

Mr. Bell offered the following amendment to the committee amendment:

Amend committee amendment No. 3 to House Bill No. 40, by striking out the words "DeWitt, Karnes, Wilson, Goliad, Calhoun and Victoria" in line 29, on page 3, of the mimeographed bill.

BELL,  
HARTZOG.

The amendment was adopted.

Mr. Westbrook offered the following amendment to the committee amendment:

Amend House Bill No. 40, committee amendment No. 3, on page 3, adding the following: "Sabine, San Augustine, Newton, Jasper, Shelby".

WESTBROOK,  
DAVIS of Jasper,  
OLIVER.

The amendment was adopted.

Mr. Riddle offered the following amendment to the committee amendment:

Amend House Bill No. 40, committee amendment No. 3, on page 3, line 29, by striking out the county named "Caldwell".

The amendment was adopted.

The committee amendment, as amended, was then adopted.

Mr. Davis of Haskell offered the following amendment to the bill:

Amend House Bill No. 40, by providing for a new section to read as follows:

"House Bill No. 246 of the Regular Session of the Forty-fifth Legislature

is hereby repealed so far as said bill refers to doves."

The amendment was adopted.

Mr. Leonard offered the following amendment to the bill:

Amend House Bill No. 40, by striking out all of Section 2 and substituting in lieu thereof the following:

"It shall be unlawful to take in any one day more than 15 mourning doves, or more than 15 White Winged Doves, or more than an aggregate of 15 Mourning Doves and White Winged Doves, or to transport or have in possession at any one time more than one day's bag limit of such birds."

The amendment was adopted.

Mr. Leonard offered the following amendment to the bill:

Amend House Bill No. 40, by adding in line 9 of Section 4 of the mimeographed copy, after the word "possessed", the words "or transported".

The amendment was adopted.

Mr. London offered the following amendment to the bill:

Amend House Bill No. 40, by adding a new section to read as follows:

"Section .... Providing that the provisions of this bill shall not apply to Jack, Young, Clay, Archer, Montague, Wise, Hopkins, Hardeman, Foard, Knox, Gaines, Dawson, Hunt, Grayson, Lamar, Tarrant, Collin, Raines, Dickens, Cooke, Scurry, Borden, Delta, Franklin, Johnson, Wichita, Wilbarger, Bosque, Erath, Hood, Red River, Parker, Williamson, Concho, Runnels, Coke and Somerville Counties, and the season in those counties for the killing or taking of mourning doves and white winged doves shall be from September 1 to October 31, inclusive, and from December 1st to January 15, inclusive."

LONDON,  
HARRIS of Archer,  
HARRIS of Dickens,  
BURTON,  
LANNING,  
MOFFETT,  
JONES of Wise,  
HULL,  
AMOS,  
ENGLAND,  
SETTLE,  
SMITH of Hopkins,  
MORRIS,  
LANKFORD,  
TENNYSON,

WALKER,  
McFARLAND,  
KERN,  
RUSSELL,  
KEITH,  
STOCKS.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 40 was then passed to engrossment.

### HOUSE BILL NO. 40 ON THIRD READING

Mr. Jones of Falls moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Adkins	Holland
Alexander	Hoskins
Alsup	Huddleston
Amos	Jackson
Baker	James
Beckworth	Johnson of Ellis
Bell	Johnson
Blankenship	of Tarrant
Boethel	Jones of Angelina
Bond	Jones of Atascosa
Boyer	Jones of Falls
Brown	Jones of Wise
Burton	Kelt
Callan	Kern
Carssow	King
Cathey	Langdon
Cauthorn	Lankford
Cleveland	Lanning
Davis of Haskell	Leath
Davis of Jasper	Leonard
Deglandon	Little
Derden	Lucas
Dickison	Mann
England	Mauritz
Fielden	Mays
Fox	McConnell
Gibson	McDonald
Graves	McFarland
Hamilton	McKee
Hankamer	Metcalfe
Hanna	Moffett
Harrell	Monkhouse
Harris of Archer	Morse
Harris of Dallas	Palmer
Harris of Dickens	Patterson of Mills
Hartzog	Patterson
Herzik	of Travis

Pope  
Powell  
Ragsdale  
Reader  
Reed of Bowie  
Rhodes  
Roark  
Ross  
Russell  
Rutta  
Schuenemann  
Settle  
Sewell  
Sharpe  
Shell  
Simpson  
Skaggs

Smith of Hopkins  
Smith of Tarrant  
Stevenson  
Stinson  
Stocks  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton  
Vale  
Waggoner  
Walker  
Weldon  
Westbrook  
Worley

Davis of Haskell  
Davis of Jasper  
Deglandon  
Derden  
Dickison  
Fox  
Gibson  
Graves  
Hamilton  
Hankamer  
Hanna  
Harbin  
Harrell  
Harris of Archer  
Harris of Dallas  
Harris of Dickens  
Hartzog  
Herzik  
Holland  
Huddleston  
Hull  
Jackson  
James  
Johnson of Ellis  
Johnson  
of Tarrant  
Jones of Atascosa  
Jones of Falls  
Keith  
Kelt  
Kern  
King  
Langdon  
Lanning  
Leath  
Leonard  
Little  
Lucas  
Mann

McConnell  
McDonald  
McFarland  
McKee  
Metcalf  
Moffett  
Monkhouse  
Morse  
Palmer  
Patterson  
of Travis  
Pope  
Powell  
Reader  
Roark  
Ross  
Russell  
Rutta  
Schuenemann  
Settle  
Sewell  
Sharpe  
Shell  
Simpson  
Skaggs  
Smith of Tarrant  
Stevenson  
Stocks  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton  
Vale  
Waggoner  
Weldon  
Westbrook  
Worley

## Nays—7

Bradbury  
Hardin  
Keefe  
London

Prescott  
Reed of Dallas  
Wood

## Absent

Bates  
Bradford  
Bridgers  
Broadfoot  
Celaya  
Colquitt  
Davisson  
of Eastland  
Dean  
Dollins  
Farmer  
Fuchs  
Harbin  
Howard

Hull  
Keith  
Kenyon  
Knetsch  
Leyendecker  
Loggins  
McKinney  
Morris  
Newton  
Oliver  
Riddle  
Talbert  
Winfree

## Absent—Excused

Cagle  
Davison of Fisher  
Felty  
Harper  
Heflin  
Hyder

McCracken  
Nicholson  
Petsch  
Quinn  
Smith  
of Matagorda

The Chair then laid House Bill No. 40 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—93

Adkins  
Alexander  
Alsup  
Amos  
Baker  
Beckworth  
Bell  
Blankenship  
Boethel

Bond  
Boyer  
Brown  
Callan  
Carssow  
Cathey  
Cauthorn  
Cleveland  
Colquitt

## Nays—18

Bradbury  
Burton  
England  
Fielden  
Hardin  
Jones of Wise  
Keefe  
Lankford  
London

Morris  
Patterson of Mills  
Prescott  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Smith of Hopkins  
Stinson  
Wood

## Absent

Bates  
Bradford  
Bridgers  
Broadfoot  
Celaya  
Davisson  
of Eastland  
Dean  
Dollins  
Farmer  
Fuchs  
Hoskins

Howard  
Jones of Angeline  
Kenyon  
Knetsch  
Leyendecker  
Loggins  
Mauritz  
Mays  
McKinney  
Newton  
Oliver  
Ragsdale

Riddle  
Talbert

Walker  
Winfree

Absent—Excused

Cagle  
Davison of Fisher  
Felty  
Harper  
Heflin  
Hyder

McCracken  
Nicholson  
Petsch  
Quinn  
Smith  
of Matagorda

Mr. Jones of Falls moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE SENATE

Austin, Texas, June 24, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 12, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to dispose of all jacks and stallions now owned by State; etc., and declaring an emergency." (With amendments.)

The Senate has refused to concur in House amendments to Senate Bill No. 19, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Cotten, Burns, Moore, Isbell and Beck.

The Senate has refused to concur in House amendments to Senate Bill No. 20, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Small, Burns, Pace, Isbell and Spears.

The Senate has passed the following:

H. B. No. 46, A bill to be entitled "An Act repealing House Bill No. 915 passed at the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

Has concurred in House amendments to Senate Bill No. 25 by the following vote: Yeas, 28; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

(Speaker in the Chair.)

#### REQUESTS OF SENATE GRANTED

On motion of Mr. Moffett, the House granted the request of the Senate for a conference committee to adjust the differences between the two Houses on Senate Bill No. 20.

On motion of Mr. Lucas, the House granted the request of the Senate for a conference committee to adjust the differences between the two Houses on Senate Bill No. 19.

#### HOUSE BILL NO. 12 WITH SENATE AMENDMENTS

Mr. McKee called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 12, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to dispose of all jacks and stallions now owned by the State of Texas which were purchased out of the special Jack and Stallion Fund and the Special Racing Fund as created under Chapter 10, Acts of the First Called Session, Forty-third Legislature, and further amended by Chapter 344, Acts of the Forty-fourth Legislature, Regular Session; providing for the disposition of all defective or unfit animals by the Board of Control; providing for apportionment of all funds now on hand and to the credit of the Special Racing Fund which have accumulated since January 1, 1937; providing for the repeal of all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. McKee moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### CONCERNING EXHIBITS OF THE STATE OF TEXAS AT CERTAIN WORLD'S FAIRS

The Speaker laid before the House, for consideration at this time, Senate Concurrent Resolution No. 8, Concerning exhibits of the State of Texas at certain World's Fairs.

The resolution having been read second time on yesterday.

Question recurring on the resolution, it was adopted.

# TO PROVIDE FOR PURCHASE OF RAY'S ADVANCE SESSION LAWS

Mr. Alsop offered the following resolution:

Whereas, In addition to anti-gambling and repeal of the pari-mutuel law, this Session on adjournment will have enacted many important local and corrective measures, in regard to which all Members should be early and well informed; therefore, be it

Resolved, That the House of Representatives subscribe for 150 copies of Ray's Advance Session Laws of the First Called Session of the Forty-fifth Legislature to be mailed one to each Member as soon as same are off the press, at the usual reduced price of 75c per copy, same to be paid out of the Contingent Fund of the House.

ALSUP,  
REED of Dallas.

The resolution was read second time, and was adopted.

# EXPRESSING APPRECIATION TO HON. J. C. DAVIS

Mr. Reader offered the following resolution:

Whereas, One of our beloved colleagues, Dr. J. C. Davis, has rendered an untiring, unselfish and benevolent service in giving medical attention and assistance to the Members of the House and employees upon many occasions; and

Whereas, These services have been given without charge and has been given with the spirit of a good samaritan who goes about rendering unto his brother that which is good; now, therefore, be it

Resolved by the Members of the House of Representatives, That we extend to Dr. Davis our sincere thanks and appreciation for his services and assure him that his many acts and deeds of kindness and helpfulness will be long remembered.

READER,  
BRADBURY,  
MANN,  
STOCKS,  
STEVENSON,  
JONES of Falls,  
MAURITZ,  
HARRELL,  
NEWTON,  
JONES of Atascosa,  
DICKISON.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsop, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stinson, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Harris of Dickens, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

# RELATIVE TO EXPENSE AC- COUNT OF MEMBERS

Mr. Hoskins offered the following resolution:

Whereas, The expenses of the Members of the Legislature are greatly increased due to the fact that the various State problems are conflicting today and has aroused the interest of the people back home, and in order that the Representatives may keep in close touch with their constituents, it has been necessary for those who live in far away districts and in the thickly populated districts to

have greater expenses than the Members who are close by; therefore, be it Resolved by the House of Representatives, That when these Members have reached the extent of their account the Contingent Expense Committee be given the power to extend to these Members an extension of their account in the amount of Ten (\$10.00) Dollars.

HOSKINS,  
METCALFE,  
FARMER,  
VALE,  
HARRIS of Dallas,  
ENGLAND,  
BOYER,  
HARTZOG,  
SETTLE,  
HULL,  
POPE,  
SMITH of Hopkins,  
WINFREE.

The resolution was read second time.

Mr. Metcalfe offered the following amendment to the bill:

Amend the resolution, by adding at the end of the resolving clause the following:

"Provided that any Member whose account is affected by this resolution shall not contract any telegraph or telegraph bill in excess of the amount herein allocated."

The amendment was adopted.

The resolution, as amended, was then adopted.

#### RELATIVE TO HOUSE BILL NO. 40

Mr. Leonard moved that the Rules, relative to the making of motions to reconsider, be suspended, for the purpose of making a motion to reconsider the vote by which House Bill No. 40 was finally passed.

The motion to suspend the Rules prevailed by the following vote:

#### Yeas—107

Adkins	Callan
Alexander	Carssow
Alsup	Cathey
Amos	Cauthorn
Baker	Cleveland
Beckworth	Colquitt
Bell	Davis of Haskell
Blankenship	Davis of Jasper
Boethel	Deglandon
Boyer	Derden
Bradford	England
Broadfoot	Fielden
Brown	Fox

Fuchs	McFarland
Gibson	McKee
Hamilton	Metcalfe
Hankamer	Moffett
Hanna	Monkhouse
Harbin	Morse
Hardin	Palmer
Herzik	Patterson of Mills
Harris of Archer	Patterson
Harris of Dallas	of Travis
Harris of Dickens	Pope
Hartzog	Powell
Holland	Prescott
Hoskins	Ragsdale
Hull	Reader
James	Reed of Bowie
Johnson of Ellis	Rhodes
Johnson	Roark
of Tarrant	Ross
Jones of Angelina	Russell
Jones of Atascosa	Schuenemann
Jones of Falls	Settle
Jones of Wise	Sewell
Keith	Sharpe
Kelt	Shell
Kenyon	Simpson
Kern	Skaggs
King	Stinson
Knetsch	Stocks
Langdon	Tarwater
Lankford	Tennant
Lanning	Tennyson
Leath	Thornberry
Leonard	Thornton
Little	Vale
London	Waggoner
Lucas	Walker
Mann	Weldon
Mauritz	Westbrook
Mays	Winfree
McConnell	Worley
McDonald	

#### Nays—5

Bradbury	Smith of Hopkins
Burton	Wood
Reed of Dallas	

#### Absent

Bates	Jackson
Bond	Keefe
Bridgers	Leyendecker
Celaya	Loggins
Davisson	McKinney
of Eastland	Morris
Dean	Newton
Dickison	Oliver
Dollins	Riddle
Farmer	Rutta
Graves	Smith of Tarrant
Harrell	Stevenson
Howard	Talbert
Huddleston	

## Absent—Excused

Cagle	McCracken
Davison of Fisher	Nicholson
Felty	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda

Mr. Leonard then moved to reconsider the vote by which House Bill No. 40 was passed.

The motion to reconsider prevailed.

House Bill No. 40 was then passed by the following vote:

## Yeas—107

Adkins	Jones of Angelina
Alexander	Jones of Atascosa
Alsup	Jones of Falls
Amos	Keith
Baker	Kelt
Beckworth	Kenyon
Bell	King
Blankenship	Knetsch
Boethel	Langdon
Bond	Lanning
Boyer	Leath
Bradford	Leonard
Brown	Little
Callan	Lucas
Carssow	Mann
Cathey	Mauritz
Cauthorn	Mays
Celaya	McConnell
Cleveland	McDonald
Colquitt	McFarland
Davis of Haskell	McKee
Davis of Jasper	McKinney
Davison	Metcalf
of Eastland	Moffett
Deglandon	Monkhouse
Derden	Morse
Fielden	Palmer
Fox	Patterson
Fuchs	of Travis
Gibson	Pope
Graves	Powell
Hamilton	Prescott
Hankamer	Ragsdale
Hanna	Reader
Hardin	Reed of Bowie
Harrell	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dallas	Roark
Harris of Dickens	Ross
Hartzog	Russell
Herzik	Rutta
Holland	Schuenemann
Hoskins	Settle
Hull	Sewell
James	Sharpe
Johnson of Ellis	Shell
Johnson	Simpson
of Tarrant	Skaggs

Smith of Tarrant	Vale
Stinson	Waggoner
Stocks	Walker
Tarwater	Weldon
Tennant	Westbrook
Thornberry	Winfree
Thornton	Worley

## Nays—11

Bradbury	Kern
Burton	Lankford
England	London
Harbin	Patterson of Mills
Jones of Wise	Wood
Keefe	

## Absent

Bates	Leyendecker
Bridgers	Loggins
Broadfoot	Morris
Dean	Newton
Dickison	Oliver
Dollins	Riddle
Farmer	Smith of Hopkins
Howard	Stevenson
Huddleston	Talbert
Jackson	Tennyson

## Absent—Excused

Cagle	McCracken
Davison of Fisher	Nicholson
Felty	Petsch
Harper	Quinn
Heflin	Smith
Hyder	of Matagorda

## RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 28, Requesting the Federal Communications Commission to increase the allotment of power to the Radio Station KGKL.

H. C. R. No. 27, Relative to Old Age Assistance.

## TEXT OF CERTAIN OPINION

On motion of Mr. Alsup, the following opinion of the Attorney General was ordered printed in the Journal:

## Constitutional Law—Construction of Constitutional Provisions

1. When one Section of the Constitution expresses a general intention to do a particular thing and another Section expresses a particular intention incompatible with the general intention, the particular is to be considered in the nature of

an exception to the general provision.

2. H. J. R. No. 24, which provides in general terms that the Legislature may fix the compensation of all district, county and precinct officers can in no wise effect the provisions of Section 24, Article III, which provides specifically for the compensation of members of the Legislature.

Offices of the Attorney General  
Austin, Texas  
June 23, 1937.

Honorable Lon E. Alsup, Chairman,  
Committee on Contingent Expenses  
House of Representatives  
Austin, Texas

Dear Sir:

Your letter of June 22, 1937, addressed to Attorney General William McCraw has been received and referred to the writer for attention and answer. Your letter of inquiry reads in part as follows:

"In view of the many conflicting press reports with reference to H. J. R. No. 24, as passed by the Regular Session of the Forty-fifth Legislature, I most respectfully submit to you the following question with reference to this proposed constitutional amendment.

"Would the provisions of this proposed constitutional amendment in your opinion authorize the Legislature to change in any manner the method of compensating the members of this or any subsequent Legislature, if adopted?

"It is of paramount importance that this question be answered at the earliest possible date and I most respectfully request that you give this question your immediate consideration."

In view of the great public interest with reference to this proposed Amendment, and in view of the uncertainty that exists as to the possible scope and consequence of the Amendment if adopted, your request for a conference opinion has been granted, to the end that the speculation that has arisen concerning the possible effect of this Amendment may be finally set at rest.

Section 61 of Article XVI which was added to the Constitution of this State in August of 1935 and which is known as the "Officers' Salary Amendment" provides as follows:

"All district officers in the State

of Texas and all county officers in counties having a population of 20,000 or more, according to the then last preceding Federal Census, shall from the first day of January and thereafter, and subsequent to the first Regular or Special Session of the Legislature after the adoption of this Resolution, be compensated on a salary basis. In all counties in this State, the Commissioners' Court shall be authorized to determine whether precinct officers shall be compensated on a fee basis or on a salary basis; and in counties having a population of less than 20,000, according to the then last preceding Federal Census, the Commissioners' Court shall also have the authority to determine whether county officers shall be compensated on a fee basis or on a salary basis.

"All fees earned by district, county and precinct officers shall be paid into the county treasury where earned for the account of the proper fund, provided that fees incurred by the State, county and any municipality, or in case where a pauper's oath is filed, shall be paid into the county treasury when collected and provided that where any officer is compensated wholly on a fee basis such fees may be retained by such officer or paid into the treasury of the county as the Commissioners' Court may direct. All Notaries Public, county surveyors and public weighers shall continue to be compensated on a fee basis."

It must be noted that Section 61 as set out above provides the method of compensation for all district officers.

H. J. R. No. 24 proposes to amend Section 61 so that it shall read as follows:

"All district, county, and precinct officers shall hereafter be compensated in the manner and on such basis as may be prescribed by the Legislature."

The phrase "all district officers" appears in both Section 61 as it now exists and in Section 61 as H. J. R. No. 24 proposes to amend it.

In a general sense it might be argued that members of the Legislature are "district officers" of the State of Texas and, if so, then under the terms of the proposed Amendment the compensation of the members of the Legislature would be on such basis as the Legislature itself

may prescribe. In determining the meaning of that phrase, however, as it appears in Section 61, both as it now exists and as H. J. R. No. 24 proposes to amend it, we must perforce regard the Constitution as an entire document in order that we may ascertain the sense in which those words are used in the particular instance. (Black on Interpretation of Laws, 2nd Ed., par. 10, page 23 and cases there cited; Collingsworth Co. v. Allred, 40 S. W. (2d) 13, 120 Tex. 473.)

The Constitution of 1845, Article III, Section 23, the Constitution of 1861, Article III, Section 23, the Constitution of 1866, Article III, Section 22, the Constitution of 1869, Article III, Section 28, all provided specifically for the compensation of members of the Legislature. Our present Constitution, Article III, Section 24, both before and after its Amendment in 1930, provided for the compensation of the Legislature and as amended it now reads as follows:

"Members of the Legislature shall receive from the public Treasury a per diem of not exceeding \$10.00 per day, for the first 120 days of each session and after that not exceeding \$5.00 per day for the remainder of the session.

"In addition to the per diem the members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed \$2.50 for every 25 miles, the distance to be computed by the nearest and most direct route of travel, from a table of distance prepared by the Comptroller to each county seat now or hereafter to be established; no member to be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session."

Section 61 of Article XVI, as it now exists and as H. J. R. No. 24 proposes to amend it, provides in general terms for the compensation of all district officers. Section 24 of Article III provides specifically for the compensation of members of the Legislature, and we find that it has ever been the policy of this State to fix the salaries of those specific officers and to stipulate in a separate and distinct provision of the Constitution the maximum amount which they might receive as compensation for their services.

Assuming, but not conceding, that members of the Legislature may be classed generally as district officers and that there is or will be an apparent conflict or inconsistency between Section 61 of Article XVI and Section 24 of Article III, the decisions are clear that a Section which expresses a particular intention shall be construed as an exception of a general provision appearing elsewhere in the Constitution. *Warren v. Shuman*, 5 Tex. 441; *Erwin v. Blanks*, 60 Tex. 583; *Lufkin v. City of Galveston*, 63 Tex. 437; *Howard v. Davis Oil Company*, 76 Tex. 630; *City of San Antonio v. Toepperwein*, 104 Tex. 43, 133 S. W. 416; *Copy v. Schneider*, 110 Tex. 360, 218 S. W. 479 (re-hearing denied); *Ex parte Cooks*, 135 S. W. 139; *Garrett v. Commissioners' Court of Limestone County*, 236 S. W. 970, 238 S. W. 894 (re-hearing denied.)

In *City of San Antonio v. Toepperwein*, supra, the Supreme Court of this State had before it for construction the provisions of Section 15 of Article VIII and Section 50 of Article XVI of our Constitution. The latter Section provided in part as follows: "No mortgage, trust, deed, or other lien on the homestead shall ever be valid." Section 15 of Article VIII provided in part that "The annual assessment made upon all lands and property shall be a specific lien thereon." Chief Justice Brown, who wrote the opinion in that case, stated that the phrase "other lien" in Article XVI was a general phrase while Section 15 of Article VIII provided for a specific lien on all properties and held:

"The two provisions must be construed to give effect to both and if in conflict, the specific provision must prevail. . . We therefore, conclude that the homestead is liable for the taxes which are assessed upon it. . . ."

We find it unnecessary to pass upon the question of whether or not the members of the Legislature are district officers. We do rule that if they may be considered as such, then their compensation is now and must continue to be, even if the Amendment proposed be adopted, controlled by the provisions of Section 24 of Article III.

The conclusion here reached follows so inevitably from the authorities that doubt can no longer be entertained upon the question. The

Amendment proposed in H. J. R. No. 24 will in no way affect the provisions of Article III, Section 24 which prescribes the salaries for members of the Legislature.

Trusting that this will answer your inquiry satisfactorily, I beg to remain

Yours very truly,  
WILLIAM M. BROWN,  
Assistant Attorney General.

This opinion has been considered in conference, approved and ordered filed.

WILLIAM McCRAW,  
Attorney General of Texas.  
SCOTT GAINES,  
JOHN J. McKAY,  
JOE J. ALSUP,  
WILLIAM J. KEMP,  
W. B. POPE,  
W. W. HEATH,  
LEONNARD KING.

#### CONFERENCE COMMITTEES APPOINTED

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on Senate Bill No. 20: Messrs. Keith, Morse, Moffett, Harris of Dallas and Knetsch.

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on Senate Bill No. 19: Messrs. Lucas, Loggins, Weldon, Bradbury and Powell.

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on House Bill No. 12: Messrs. McKee, Monkhouse, Alexander, Kelt and Shell.

#### RECESS

On motion of Mr. Alexander, the House, at 12:10 o'clock p. m., took recess until 2:30 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

#### LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following Members were granted leaves of absence, as follows:

Messrs. Keith, Morse, Moffett, Knetsch and Harris of Dallas, mem-

bers of the conference committee on Senate Bill No. 20, were granted leaves of absence for this afternoon, on account of important committee work.

Mr. Settle and Mr. Davison of Fisher were granted leaves of absence for the balance of the day, on account of important business, on motion of Mr. Calvert.

Mr. Oliver was granted leave of absence for the balance of the day, on account of illness in his family, on motion of Mr. Lucas.

Mr. Prescott was granted leave of absence for the balance of the day, on account of illness, on motion of Mr. Hardin.

#### APPOINTMENT OF COMMITTEE TO INVESTIGATE SEATING ARRANGEMENTS

The Speaker announced the appointment of the following committee to investigate the need for new desks in the House of Representatives: Messrs. McFarland, Davis of Jasper and Alsup.

#### MESSAGE FROM THE SENATE

Austin, Texas, June 24, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 30, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, shoot or kill any prairie chicken in Colorado and Austin Counties, Texas, for a period of five years; prescribing penalty for violation of the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act amending Subsection (L) of Section 19, Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session, by providing that premiums on deputies official bonds shall be a legal and legitimate expense of office in counties containing an excess of 190,000 population, and declaring an emergency."

H. B. No. 38, A bill to be entitled "An Act to amend Article 4285, Revised Civil Statutes, 1925, providing the procedure authorizing the issuance of letters of guardianship in estates of non-resident minors, and declaring an emergency."

H. B. No. 48, A bill to be entitled "An Act creating a special road law for Montague County; authorizing the Commissioners' Court to issue funding bonds or warrants in lieu of certain scrip warrants issued in the year 1937, and validating such scrip; providing the method of issuing the same; making it the duty of the Commissioners' Court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the general laws pertaining to roads and bridges applicable in Montague County and providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof, and declaring an emergency."

H. B. No. 50, A bill to be entitled "An Act authorizing independent school districts in which there is situated a city with a population of not less than seven thousand one hundred (7,100) and not more than seven thousand two hundred (7,200) according to the last preceding Federal Census to expend not more than fifty (50%) per cent of the taxes assessed and collected for a period not to exceed four (4) years for the purpose of paying warrants issued in the payment of premium upon bonds refinanced and/or refunded by such independent school district at a less rate of interest and thereby create a saving, and in the payment of the actual and necessary cost of refinancing and of refunding said bond, and declaring an emergency."

H. B. No. 51, A bill to be entitled "An Act to prohibit the use of a seine for taking fish in the waters and tributaries of the Bosque River in Hamilton County, Texas; providing, however, for the use of a net during the months of July, August, September, and October for the purpose of taking fish; permitting the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; providing a penalty; repealing Chapter 47, Acts of the Forty-fourth Legislature, Regular Session; repealing House Bill No. 965, Acts of the Forty-fifth Legislature, Regular Session; and all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 52, A bill to be entitled

"An Act authorizing the Commissioners' Court in each county in this State having a population of not less than 42,125, nor more than 42,150, according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business in overseeing the construction work on public roads of the county; etc., and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act amending Section 1 of House Bill No. 186, same being Chapter 10 of the Special Laws of the Forty-third Legislature, Regular Session by extending the closed season on deer in San Augustine and Sabine Counties until February 21, 1939, and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act to amend Article 2687 of the 1925 Revised Civil Statutes of Texas by adding thereto a new Section to be known as Article 2687-a, prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than one hundred thirty thousand and not more than one hundred thirty-three thousand, according to the last preceding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

H. B. No. 66, A bill to be entitled "An Act amending Section 2, of Senate Bill No. 185, Acts of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act for the purpose of conserving the oyster resources of Calhoun County; etc., and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act ratifying, confirming and validating all acts of County Boards of Trustees in ordering an election; etc., and declaring an emergency."

H. B. No. 25, A bill to be entitled "An Act fixing the compensation of County Auditors in every county having a population of not less than one hundred and ninety thousand (190,000) nor more than two hundred thousand (200,000) inhabitants according to the last preceding United States Census and prescribing how

the same shall be paid; providing that in such counties where there is a City and County Hospital that the County Auditor shall audit the books and records of such hospital and shall make reports to the county and city governments covering the operation of such hospital and fixing the compensation therefor and prescribing how the same shall be paid; repealing all laws in conflict herewith, and declaring an emergency." (With amendments.)

H. C. R. No. 14, Granting Judge Terry Dickens permission to be absent from the State.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### HOUSE BILL NO. 71 ON SECOND READING

On motion of Mr. Pope, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 71.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 71, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million Dollars, according to the last approved tax rolls; and providing for additional compensation for the County Auditors in such counties having more than 200,000 population and not more than 300,000 population according to the last Federal Census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the

city and county; and providing for compensation for the County Auditors in such Counties having more than 51,000 population and less than 52,000 population, according to the last Federal Census; the salary of such County Auditor shall be \$4,800.00 to be paid monthly out of the General Revenue of the County upon an order of the Commissioners' Court; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby, and declaring an emergency."

The bill was read second time.

Mr. Leath offered the following amendment to the bill:

Amend the caption to House Bill No. 71, by adding after the word "court" at the end of fifth line from the end of said caption, the following: "And providing for compensation for the County Auditors in such counties having more than 32,400 population and less than 32,500 population, according to the last Federal Census; the salary of such County Auditor shall be \$4,200.00 to be paid monthly out of the general revenue of the county upon an order of the Commissioners' Court."

The amendment was adopted.

Mr. Leath offered the following amendment to the bill:

Amend House Bill No. 71, by adding at the end of Section 1, the following:

"Provided that in counties having more than 32,400 population and less than 32,500 population, according to the last Federal Census, the salary of the County Auditor shall in such counties be the sum of \$4,200.00; said salary to be paid monthly out of the general revenue of the county upon an order of the Commissioners' Court."

The amendment was adopted.

Mr. Smith of Hopkins offered the following amendment to the bill:

Amend House Bill No. 71, by adding after the end of the Leath amendment the following:

"Provided that in counties having more than 29,400 population and not less than 29,500 population according to the last Federal Census, the salary of the County Auditor shall in such counties be the sum of \$1,800.00; said salary to be paid monthly out of the general revenue of the county, upon

an order of the Commissioners' Court."

SMITH of Hopkins,  
KERN.

The amendment was adopted.

Mr. Smith of Hopkins offered the following amendment to the bill:

Amend the caption to House Bill No. 71, by adding after the Leath amendment to the caption the following:

"And providing for compensation for the County Auditors in such counties having more than 29,400 population and less than 29,500 population, according to the last Federal Census, the salary of such County Auditors shall be \$1,800.00 to be paid out of the general revenue of the county, upon an order of the Commissioners' Court."

SMITH of Hopkins,  
KERN.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 71 was then passed to engrossment.

#### HOUSE BILL NO. 71 ON THIRD READING

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adkins	Davis of Jasper
Alexander	Deglandon
Alsop	Derden
Amos	Dickison
Baker	England
Beckworth	Felty
Bell	Fielden
Blankenship	Fox
Boethel	Gibson
Bond	Graves
Boyer	Hamilton
Bradbury	Hankamer
Broadfoot	Hanna
Brown	Hardin
Burton	Harbin
Callan	Harper
Carssow	Harrell
Cauthorn	Harris of Archer
Celaya	Harris of Dallas
Cleveland	Hartzog

Herzik	Morse
Holland	Newton
Hoskins	Palmer
Howard	Patterson
Huddleston	of Travis
Hull	Pope
Jackson	Powell
James	Ragsdale
Johnson of Ellis	Reed of Bowie
Johnson	Reed of Dallas
of Tarrant	Rhodes
Jones of Angelina	Roark
Jones of Atascosa	Ross
Jones of Falls	Russell
Jones of Wise	Rutta
Kelt	Schuenemann
Kenyon	Settle
Kern	Sewell
King	Sharpe
Langdon	Simpson
Lanning	Smith of Hopkins
Leath	Smith of Tarrant
Leonard	Stinson
Leyendecker	Stocks
Little	Talbert
London	Tarwater
Lucas	Tennant
Mann	Tennyson
Mauritz	Thornberry
Mays	Thornton
McConnell	Vale
McDonald	Waggoner
McFarland	Walker
Moffett	Westbrook
Monkhouse	Wood
Morris	

Nays—1

Lankford

Absent

Bates	Loggins
Bradford	McKee
Bridgers	McKinney
Cathey	Metcalfe
Colquitt	Patterson of Mills
Davis of Haskell	Reader
Davisson	Riddle
of Eastland	Shell
Dean	Skaggs
Dollins	Stevenson
Farmer	Weldon
Fuchs	Winfree
Harris of Dickens	Worley
Keefe	

Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Heflin	Petsch
Hyder	Prescott
Keith	Quinn
Knetsch	Smith
McCracken	of Matagorda

The Speaker then laid House Bill No. 71 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—109

Adkins	Kenyon
Alexander	Kern
Alsup	King
Amos	Langdon
Baker	Lanning
Beckworth	Leath
Bell	Leonard
Blankenship	Leyendecker
Boethel	Little
Bond	London
Boyer	Lucas
Bradbury	Mann
Broadfoot	Mauritz
Brown	Mays
Burton	McConnell
Callan	McDonald
Carssow	McFarland
Cauthorn	Moffett
Celaya	Monkhouse
Cleveland	Morris
Davis of Jasper	Morse
Deglandon	Newton
Derden	Palmer
Dickison	Patterson
England	of Travis
Felty	Pope
Fielden	Powell
Fox	Ragsdale
Gibson	Reed of Bowie
Graves	Reed of Dallas
Hamilton	Rhodes
Hankamer	Roark
Hanna	Ross
Hardin	Russell
Harbin	Rutta
Harper	Schuenemann
Harrell	Settle
Harris of Archer	Sewell
Harris of Dallas	Sharpe
Hartzog	Simpson
Herzik	Smith of Hopkins
Holland	Smith of Tarrant
Hoskins	Stinson
Howard	Stocks
Huddleston	Talbert
Hull	Tarwater
Jackson	Tennant
James	Tennyson
Johnson of Ellis	Thornberry
Johnson	Thornton
of Tarrant	Vale
Jones of Angelina	Waggoner
Jones of Atascosa	Walker
Jones of Falls	Westbrook
Jones of Wise	Wood
Kelt	

## Nays—1

Lankford

## Absent

Bates	Loggins
Bradford	McKee
Bridgers	McKinney
Cathey	Metcalfe
Colquitt	Patterson of Mills
Davis of Haskell	Reader
Davisson	Riddle
of Eastland	Shell
Dean	Skaggs
Dollins	Stevenson
Farmer	Weldon
Fuchs	Winfree
Harris of Dickens	Worley
Keefe	

## Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Heflin	Petsch
Hyder	Prescott
Keith	Quinn
Knetsch	Smith
McCracken	of Matagorda

## HOUSE BILL NO. 25 WITH SENATE AMENDMENTS

Mr. Hull called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 25, A bill to be entitled "An Act fixing the compensation of County Auditors in every county having a population of not less than one hundred and ninety thousand (190,000) nor more than two hundred thousand (200,000) inhabitants according to the last preceding United States Census, and prescribing how the same shall be paid; providing that in such counties where there is a City and County Hospital that the County Auditor shall audit the books and records of such hospital and shall make reports to the county and city governments covering the operation of such hospital and fixing the compensation therefor and prescribing how the same shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Hull, the House concurred in the Senate amendments.

Mr. Hull moved to reconsider the vote by which the House concurred in the Senate amendments to House Bill No. 25.

The motion to reconsider prevailed.

On motion of Mr. Hull, the House concurred in the Senate amendments by the following vote:

## Yeas—107

Adkins	Lanning
Alexander	Leath
Alsup	Leonard
Baker	Leyendecker
Beckworth	Little
Bell	Loggins
Blankenship	London
Boethel	Lucas
Bond	Mann
Boyer	Mays
Bradbury	McConnell
Broadfoot	McDonald
Brown	McFarland
Burton	Moffett
Callan	Monkhouse
Carssow	Morris
Cauthorn	Morse
Celaya	Newton
Cleveland	Patterson
Davis of Jasper	of Travis
Deglandon	Petsch
Derden	Pope
England	Powell
Felty	Ragsdale
Fox	Reed of Bowie
Gibson	Reed of Dallas
Graves	Rhodes
Hamilton	Roark
Hankamer	Ross
Hardin	Russell
Harbin	Rutta
Hanna	Schuenemann
Harper	Sewell
Harrell	Sharpe
Harris of Archer	Shell
Harris of Dallas	Simpson
Herzik	Smith of Hopkins
Holland	Smith of Tarrant
Hoskins	Stinson
Howard	Stocks
Huddleston	Talbert
Hull	Tarwater
Jackson	Tennant
James	Tennyson
Johnson of Ellis	Thornberry
Johnson	Thornton
of Tarrant	Vale
Jones of Angelina	Waggoner
Jones of Falls	Walker
Jones of Wise	Weldon
Keefe	Westbrook
Kelt	Winfree
Kern	Wood
King	Worley
Langdon	

## Nays—1

Amos

Present—Not Voting

Lankford

## Absent

Bates	Harris of Dickens
Bradford	Hartzog
Bridgers	Jones of Atascosa
Cathey	Kenyon
Colquitt	Mauritz
Davis of Haskell	McKee
Davisson	McKinney
of Eastland	Metcalfe
Dean	Palmer
Dickison	Patterson of Mills
Dollins	Reader
Farmer	Riddle
Fielden	Skaggs
Fuchs	Stevenson

## Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Heflin	Prescott
Hyder	Quinn
Keith	Settle
Knetsch	Smith
McCracken	of Matagorda

## HOUSE BILL NO. 49 ON SECOND READING

On motion of Mr. Dickison, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 49.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 49, A bill to be entitled "An Act amending Article 3935 Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, providing for certain fees of office for Justices of the Peace; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Jones of Atascosa raised a point of order, on consideration of the bill, on the ground that the bill does not come within the Governor's call.

The Speaker sustained the point of order.

## HOUSE BILL NO. 72 ON SECOND READING

On motion of Mr. Hanna, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 72.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 72, A bill to be entitled "An Act providing for the posting of legal notices at some place within the Court House to be designated by the Commissioners Court in counties having a population of from three hundred twenty-five thousand to three hundred thirty thousand according to the last Federal Census; and making this Act cumulative of all laws on the subject of posting of notices wherever such posting is required by law; and providing for the designation of the place or places where such notices shall be posted."

The bill was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 72 ON THIRD READING

Mr. Hanna moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adkins	Hardin
Alexander	Harper
Alsup	Harrell
Amos	Harris of Dallas
Baker	Herzik
Beckworth	Holland
Bell	Hoskins
Blankenship	Howard
Boethel	Huddleston
Bond	Hull
Boyer	Jackson
Bradbury	James
Brown	Johnson of Ellis
Burton	Johnson
Callan	of Tarrant
Carssow	Jones of Angelina
Cauthorn	Jones of Atascosa
Celaya	Jones of Falls
Cleveland	Jones of Wise
Davis of Jasper	Keefe
Deglandon	Kelt
Derden	Kern
England	King
Felty	Knetsch
Fox	Langdon
Gibson	Lankford
Graves	Lanning
Hamilton	Leath
Hankamer	Leonard
Hanna	Leyendecker
Harbin	Little

Loggins	Russell
London	Rutta
Lucas	Schuenemann
Mann	Settle
Mauritz	Sewell
Mays	Sharpe
McConnell	Shell
McDonald	Simpson
McFarland	Smith of Hopkins
Moffett	Smith of Tarrant
Monkhouse	Stinson
Morris	Stocks
Morse	Talbert
Newton	Tarwater
Patterson	Tennant
of Travis	Tennyson
Petsch	Thornton
Powell	Vale
Ragsdale	Walker
Reader	Weldon
Reed of Bowie	Westbrook
Reed of Dallas	Winfree
Riddle	Wood
Roark	Worley
Ross	

#### Absent

Bates	Harris of Archer
Bradford	Harris of Dickens
Bridgers	Hartzog
Broadfoot	Kenyon
Cathey	McKee
Colquitt	McKinney
Davis of Haskell	Metcalfe
Davisson	Palmer
of Eastland	Patterson of Mills
Dean	Pope
Dickison	Rhodes
Dollins	Skaggs
Farmer	Stevenson
Fielden	Thornberry
Fuchs	Waggoner

#### Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Heflin	Prescott
Hyder	Quinn
Keith	Smith
McCracken	of Matagorda

The Speaker then laid House Bill No. 72 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—109

Adkins	Bell
Alexander	Blankenship
Alsup	Boethel
Amos	Bond
Baker	Boyer
Beckworth	Bradbury

Brown	Loggins
Burton	London
Callan	Lucas
Carssow	Mann
Cauthorn	Mauritz
Celaya	Mays
Cleveland	McConnell
Davis of Jasper	McDonald
Deglandon	McFarland
Derden	Moffett
England	Monkhouse
Felty	Morris
Fox	Morse
Gibson	Newton
Graves	Patterson
Hamilton	of Travis
Hankamer	Petsch
Hanna	Powell
Harbin	Ragsdale
Hardin	Reader
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Dallas	Riddle
Herzik	Roark
Holland	Ross
Hoskins	Russell
Howard	Rutta
Huddleston	Schuenemann
Hull	Settle
Jackson	Sewell
James	Sharpe
Johnson of Ellis	Shell
Johnson	Simpson
of Tarrant	Smith of Hopkins
Jones of Angelina	Smith of Tarrant
Jones of Atascosa	Stinson
Jones of Falls	Stocks
Jones of Wise	Talbert
Keefe	Tarwater
Kelt	Tennant
Kern	Tennyson
King	Thornton
Knetsch	Vale
Langdon	Walker
Lankford	Weldon
Lanning	Westbrook
Leath	Winfree
Leonard	Wood
Leyendecker	Worley
Little	

## Absent

Bates	Fielden
Bradford	Fuchs
Bridgers	Harris of Archer
Broadfoot	Harris of Dickens
Cathey	Hartzog
Colquitt	Kenyon
Davis of Haskell	McKee
Davisson	McKinney
of Eastland	Metcalfe
Dean	Palmer
Dickson	Patterson of Mills
Dollins	Pope
Farmer	Rhodes

Skaggs	Thornberry
Stevenson	Waggoner

## Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Heflin	Prescott
Hyder	Quinn
Keith	Smith
McCracken	of Matagorda

## HOUSE BILL NO. 73 ON SECOND READING

On motion of Mr. James, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 73.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 73, A bill to be entitled "An Act providing for the maximum amount of fees that may be retained by the Assessor-Collector of taxes in all counties having a population of not less than 13,350 and not more than 13,440, according to the most recent available Federal Census and each available Federal Census thereafter; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 73 was then passed to engrossment.

## HOUSE BILL NO. 73 ON THIRD READING

Mr. James moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 73 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adkins	Bond
Alexander	Boyer
Alsup	Bradbury
Amos	Brown
Baker	Burton
Beckworth	Callan
Bell	Carssow
Blankenship	Cauthorn
Boethel	Celaya

Cleveland	Lucas
Davis of Jasper	Mann
Deglandon	Mauritz
Derden	Mays
Dickison	McConnell
England	McFarland
Felty	Moffett
Fielden	Monkhouse
Fox	Morris
Gibson	Morse
Graves	Newton
Hamilton	Patterson
Hankamer	of Travis
Hanna	Petsch
Harbin	Pope
Hardin	Powell
Harper	Ragsdale
Harrell	Reader
Harris of Dallas	Reed of Bowie
Herzik	Reed of Dallas
Holland	Rhodes
Hoskins	Roark
Howard	Ross
Huddleston	Russell
Jackson	Rutta
James	Schuenemann
Johnson of Ellis	Settle
Johnson	Sewell
of Tarrant	Sharpe
Jones of Angelina	Shell
Jones of Atascosa	Simpson
Jones of Falls	Smith of Tarrant
Jones of Wise	Stevenson
Keefe	Stinson
Kelt	Stocks
Kern	Talbert
King	Tarwater
Knetsch	Tennant
Langdon	Thornberry
Lankford	Thornton
Lanning	Vale
Leath	Walker
Leonard	Weldon
Leyendecker	Westbrook
Little	Winfree
Loggins	Wood
London	Worley

## Absent

Bates	Hartzog
Bradford	Hull
Bridgers	Kenyon
Broadfoot	McDonald
Cathey	McKee
Colquitt	McKinney
Davis of Haskell	Metcalfe
Davisson	Palmer
of Eastland	Patterson of Mills
Dean	Riddle
Dollins	Skaggs
Farmer	Smith of Hopkins
Fuchs	Tennyson
Harris of Archer	Waggoner
Harris of Dickens	

## Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Heflin	Prescott
Hyder	Quinn
Keith	Smith
McCracken	of Matagorda

The Speaker then laid House Bill No. 73 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—110

Adkins	Jones of Falls
Alexander	Jones of Wise
Alsup	Keefe
Amos	Kelt
Baker	Kern
Beckworth	King
Bell	Knetsch
Blankenship	Langdon
Boethel	Lankford
Bond	Lanning
Boyer	Leath
Bradbury	Leonard
Brown	Leyendecker
Burton	Little
Callan	Loggins
Carssow	London
Cauthorn	Lucas
Celaya	Mann
Cleveland	Mauritz
Davis of Jasper	Mays
Deglandon	McConnell
Derden	McFarland
Dickison	Moffett
England	Monkhouse
Felty	Morris
Fielden	Morse
Fox	Newton
Gibson	Patterson
Graves	of Travis
Hamilton	Petsch
Hankamer	Pope
Hanna	Powell
Harbin	Ragsdale
Hardin	Reader
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Dallas	Rhodes
Herzik	Roark
Holland	Ross
Hoskins	Russell
Howard	Rutta
Huddleston	Schuenemann
Jackson	Settle
James	Sewell
Johnson of Ellis	Sharpe
Johnson	Shell
of Tarrant	Simpson
Jones of Angelina	Smith of Tarrant
Jones of Atascosa	Stevenson

Stinson	Vale
Stocks	Walker
Talbert	Weldon
Tarwater	Westbrook
Tennant	Winfree
Thornberry	Wood
Thornton	Worley

## Absent

Bates	Hartzog
Bradford	Hull
Bridgers	Kenyon
Broadfoot	McDonald
Cathey	McKee
Colquitt	McKinney
Davis of Haskell	Metcalfe
Davisson	Palmer
of Eastland	Patterson of Mills
Dean	Riddle
Dollins	Skaggs
Farmer	Smith of Hopkins
Fuchs	Tennyson
Harris of Archer	Waggoner
Harris of Dickens	

## Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Heflin	Prescott
Hyder	Quinn
Keith	Smith
McCracken	of Matagorda

## HOUSE BILL NO. 74 ON SECOND READING

On motion of Mr. Ragsdale, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 74.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 74, A bill to be entitled "An Act to provide a more adequate and equitable salary for county superintendents of public instruction in certain counties; providing for traveling expenses and office expenses for said officers; repealing all laws and parts of laws in conflict, and declaring an emergency."

The bill was read second time.

Mr. Schuenemann offered the following amendment to the bill:

Amend House Bill No. 74, by adding a new section after Section 4 to be known as Section 4-A, to read as follows:

"That the salary of the County Superintendents of Public Instruction

in all counties in Texas having not less than 23,300, nor more than 23,400 population and in all counties having not less than 17,600, nor more than 17,650, population according to the last preceding Federal Census shall from and after the effective date of this Act be \$2,600.00 per year to be paid monthly out of the available school fund of such counties."

The amendment was adopted.

Mr. Schuenemann offered the following amendment to the bill:

Amend House Bill No. 74, by adding a new section after Section 4-A to be known as Section 4-B, to read as follows:

"In all counties in the State of Texas having a population of not less than 23,300, nor more than 23,400, population and in all counties having a population of not less than 17,600, nor more than 17,650, according to the last preceding Federal Census, the County School Trustees shall hold meetings each quarter, on the first Monday in August, February, May and November, or as soon thereafter as practicable, and at other times when called by the President of the County School Trustees or at the insistence of any two members of the County School Trustees and the County Superintendent, the meeting place to be at the county seat and in the office of the County Superintendent. Each Trustee in such counties shall be paid \$5.00 per day but not exceeding \$60.00 in any one year, for the time spent in attending such meetings out of the general fund of the county by warrants drawn on order of the Commissioners Court, after approval of the account, properly sworn to, by the President of the County School Trustees."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 74 was then passed to engrossment.

## HOUSE BILL NO. 74 ON THIRD READING

Mr. Ragsdale moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—112

Adkins	Kelt
Alexander	Kenyon
Alsup	Kern
Amos	King
Baker	Langdon
Beckworth	Lanning
Bell	Leonard
Blankenship	Leyendecker
Boethel	Little
Bond	Loggins
Boyer	London
Bradbury	Lucas
Bridgers	Mann
Broadfoot	Mauritz
Brown	Mays
Burton	McConnell
Callan	McFarland
Carssow	Metcalfe
Cathey	Moffett
Cauthorn	Monkhouse
Celaya	Morris
Cleveland	Morse
Davis of Haskell	Palmer
Davis of Jasper	Patterson
Deglandon	of Travis
Derden	Petsch
Dickison	Pope
England	Powell
Fielden	Ragsdale
Fox	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Graves	Rhodes
Hamilton	Roark
Hankamer	Ross
Hanna	Russell
Hardin	Rutta
Harper	Schuenemann
Harrell	Settle
Harris of Archer	Sewell
Harris of Dallas	Sharpe
Harris of Dickens	Smith of Hopkins
Herzik	Smith of Tarrant
Holland	Stinson
Howard	Talbert
Huddleston	Tarwater
Hull	Tennant
Jackson	Tennyson
James	Thornberry
Johnson of Ellis	Thornton
Johnson	Vale
of Tarrant	Walker
Jones of Angelina	Weldon
Jones of Atascosa	Westbrook
Jones of Falls	Winfree
Jones of Wise	Wood
Keefe	Worley

## Nays—1

Lankford

Present—Not Voting

Shell

## Absent

Bates	Leath
Bradford	McDonald
Colquitt	McKee
Davisson	McKinney
of Eastland	Newton
Dean	Patterson of Mills
Dollins	Riddle
Farmer	Simpson
Felty	Skaggs
Harbin	Stevenson
Hartzog	Stocks
Hoskins	Waggoner

## Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Heflin	Prescott
Hyder	Quinn
Keith	Smith
Knetsch	of Matagorda
McCracken	

The Speaker then laid House Bill No. 74 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—112

Adkins	Hankamer
Alexander	Hanna
Alsup	Hardin
Amos	Harper
Baker	Harrell
Beckworth	Harris of Archer
Bell	Harris of Dallas
Blankenship	Harris of Dickens
Boethel	Herzik
Bond	Holland
Boyer	Howard
Bradbury	Huddleston
Bridgers	Hull
Broadfoot	Jackson
Brown	James
Burton	Johnson of Ellis
Callan	Johnson
Carssow	of Tarrant
Cathey	Jones of Angelina
Cauthorn	Jones of Atascosa
Celaya	Jones of Falls
Cleveland	Jones of Wise
Davis of Haskell	Keefe
Davis of Jasper	Kelt
Deglandon	Kenyon
Derden	Kern
Dickison	King
England	Langdon
Fielden	Lanning
Fox	Leonard
Fuchs	Leyendecker
Gibson	Little
Graves	Loggins
Hamilton	London

Lucas	Ross
Mann	Russell
Mauritz	Rutta
Mays	Schuenemann
McConnell	Settle
McFarland	Sewell
Metcalf	Sharpe
Moffett	Smith of Hopkins
Monkhouse	Smith of Tarrant
Morris	Stinson
Morse	Talbert
Palmer	Tarwater
Patterson	Tennant
of Travis	Tennyson
Petsch	Thornberry
Pope	Thornton
Powell	Vale
Ragsdale	Walker
Reader	Weldon
Reed of Bowie	Westbrook
Reed of Dallas	Winfree
Rhodes	Wood
Roark	Worley

## Nays—1

Lankford

## Present—Not Voting

Shell

## Absent

Bates	Leath
Bradford	McDonald
Colquitt	McKee
Davison	McKinney
of Eastland	Newton
Dean	Patterson of Mills
Dollins	Riddle
Farmer	Simpson
Felty	Skaggs
Harbin	Stevenson
Hartzog	Stocks
Hoskins	Waggoner

## Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Heflin	Prescott
Hyder	Quinn
Keith	Smith
Knetsch	of Matagorda
McCracken	

## HOUSE BILL NO. 75 ON SECOND READING

On motion of Mr. Powell, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 75.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 75, A bill to be entitled "An Act to repeal Section 8a of Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature, for the purpose of abolishing the office of an Assistant District Attorney to represent the State in criminal prosecutions as provided for in said Section; to provide that it shall be the duty of the District Attorney of the Ninth Judicial District of Texas to represent the State in all cases in the Special Ninth District Court of Montgomery, Polk and San Jacinto Counties, wherein the State of Texas is a party, and for the County Attorney to represent the State in said Court in their respective counties in such cases in certain contingencies, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 75 ON THIRD READING

Mr. Powell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—108

Adkins	Gibson
Alexander	Graves
Alsup	Hamilton
Amos	Hankamer
Baker	Hanna
Beckworth	Harbin
Bell	Harper
Blankenship	Harrell
Boethel	Harris of Archer
Boyer	Harris of Dallas
Bradbury	Harris of Dickens
Bridgers	Holland
Broadfoot	Howard
Brown	Huddleston
Burton	Hull
Callan	Jackson
Carssow	James
Cathey	Johnson of Ellis
Cauthorn	Johnson
Celaya	of Tarrant
Cleveland	Jones of Angelina
Davis of Haskell	Jones of Atascosa
Davis of Jasper	Jones of Falls
Deglandon	Jones of Wise
Derden	Keith
Dickson	Kelt
England	Kenyon
Fox	Kern
Fuchs	King

Langdon	Reed of Bowie	Boethel	Lankford
Lankford	Reed of Dallas	Boyer	Lanning
Lanning	Rhodes	Bradbury	Leath
Leath	Roark	Bridgers	Leonard
Leonard	Ross	Broadfoot	Leyendecker
Leyendecker	Russell	Brown	Little
Little	Rutta	Burton	Loggins
Loggins	Settle	Callan	London
London	Sewell	Carssow	Lucas
Lucas	Sharpe	Cathey	Mann
Mann	Shell	Cauthorn	Mauritz
Mauritz	Smith of Tarrant	Celaya	Mays
Mays	Stinson	Cleveland	McConnell
McConnell	Stocks	Davis of Haskell	McFarland
McFarland	Talbert	Davis of Jasper	Metcalfe
Metcalfe	Tennant	Deglandon	Moffett
Moffett	Tennyson	Derden	Monkhouse
Monkhouse	Thornberry	Dickison	Morris
Morris	Thornton	England	Morse
Morse	Vale	Fox	Patterson
Patterson	Waggoner	Fuchs	of Travis
of Travis	Walker	Gibson	Petsch
Petsch	Westbrook	Graves	Pope
Pope	Winfree	Hamilton	Powell
Powell	Wood	Hankamer	Ragsdale
Ragsdale	Worley	Hanna	Reed of Bowie
		Harbin	Reed of Dallas
		Harper	Rhodes
		Harrell	Roark
		Harris of Archer	Ross
		Harris of Dallas	Russell
		Harris of Dickens	Rutta
		Holland	Settle
		Howard	Sewell
		Huddleston	Sharpe
		Hull	Shell
		Jackson	Smith of Tarrant
		James	Stinson
		Johnson of Ellis	Stocks
		Johnson	Talbert
		of Tarrant	Tennant
		Jones of Angelina	Tennyson
		Jones of Atascosa	Thornberry
		Jones of Falls	Thornton
		Jones of Wise	Vale
		Keefe	Waggoner
		Kelt	Walker
		Kenyon	Westbrook
		Kern	Winfree
		King	Wood
		Langdon	Worley
			Absent
			Hartzog
			Herzik
			Hoskins
			McDonald
			McKee
			McKinney
			Newton
			Palmer
			Patterson of Mills
			Reader
			Riddle
			Schuenemann

The Speaker then laid House Bill No. 75 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—108

Adkins	Baker
Alexander	Beckworth
Alsup	Bell
Amos	Blankenship

Simpson  
Skaggs  
Smith of Hopkins

Stevenson  
Tarwater  
Weldon

Absent—Excused

Cagle  
Davison of Fisher  
Heflin  
Hyder  
Keith  
Knetsch  
McCracken

Nicholson  
Oliver  
Prescott  
Quinn  
Smith  
of Matagorda

#### HOUSE BILL NO. 78 ON SECOND READING

On motion of Mr. Pope, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule, were suspended, for the purpose of taking up and considering, until disposed of, House Bill No. 78.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 78, A bill to be entitled "An Act conferring authority on State Parks Board to acquire for use as a public park a tract of land situated on Padre Island; prescribing the terms and conditions under which such purchase can be made; authorizing the State Highway Commission to construct, maintain, and operate certain bridges and causeways adequate within its opinion for ingress and egress to such Island; etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 78 ON THIRD READING

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 78 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adkins  
Alexander  
Alsup  
Amos  
Baker  
Bell  
Blankenship  
Boethel  
Bond  
Boyer  
Bradbury

Bridgers  
Callan  
Carssow  
Cathey  
Cauthorn  
Celaya  
Cleveland  
Davis of Haskell  
Davis of Jasper  
Deglandon  
Derden

Dickison  
England  
Felty  
Fielden  
Fox  
Gibson  
Hamilton  
Hankamer  
Hanna  
Harbin  
Harper  
Harrell  
Harris of Archer  
Harris of Dallas  
Harris of Dickens  
Herzik  
Holland  
Hoskins  
Howard  
Huddleston  
Hull  
Jackson  
James  
Johnson of Ellis  
Johnson  
of Tarrant  
Jones of Angelina  
Jones of Atascosa  
Jones of Falls  
Jones of Wise  
Keefe  
Keith  
Kelt  
Kenyon  
Kern  
King  
Knetsch  
Langdon  
Lanning  
Leonard  
Leyendecker  
Little  
Loggins  
London

Lucas  
Mann  
Mauritz  
Mays  
McConnell  
McFarland  
Monkhouse  
Morris  
Morse  
Newton  
Patterson  
of Travis  
Petsch  
Pope  
Powell  
Ragsdale  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Roark  
Ross  
Russell  
Rutta  
Schuenemann  
Settle  
Sewell  
Sharpe  
Shell  
Smith of Tarrant  
Stinson  
Stocks  
Talbert  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton  
Vale  
Waggoner  
Walker  
Weldon  
Winfree  
Wood  
Worley

Nays—2

Lankford

Moffett

Absent

Bates  
Beckworth  
Bradford  
Broadfoot  
Brown  
Burton  
Colquitt  
Davisson  
of Eastland  
Dean  
Dollins  
Farmer  
Fuchs  
Graves  
Hardin

Hartzog  
Leath  
McDonald  
McKee  
McKinney  
Metcalf  
Palmer  
Patterson of Mills  
Reader  
Riddle  
Simpson  
Skaggs  
Smith of Hopkins  
Stevenson  
Westbrook

## Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Smith
McCracken	of Matagorda
Nicholson	

The Speaker then laid House Bill No. 78 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—108

Adkins	Jones of Angelina
Alexander	Jones of Atascosa
Alsup	Jones of Falls
Amos	Jones of Wise
Baker	Keefe
Bell	Keith
Blankenship	Kelt
Boethel	Kenyon
Bond	Kern
Boyer	King
Bradbury	Knetsch
Bridgers	Langdon
Callan	Lanning
Carssow	Leonard
Cathey	Leyendecker
Cauthorn	Little
Celaya	Loggins
Cleveland	London
Davis of Haskell	Lucas
Davis of Jasper	Mann
Deglandon	Mauritz
Derden	Mays
Dickison	McConnell
England	McFarland
Felty	Monkhouse
Fielden	Morris
Fox	Morse
Gibson	Newton
Hamilton	Patterson
Hankamer	of Travis
Hanna	Petsch
Harbin	Powell
Harper	Pope
Harrell	Ragsdale
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Dickens	Rhodes
Herzik	Roark
Holland	Ross
Hoskins	Russell
Howard	Rutta
Huddleston	Schuenemann
Hull	Settle
Jackson	Sewell
James	Sharpe
Johnson of Ellis	Shell
Johnson	Smith of Tarrant
of Tarrant	Stinson

Stocks  
Talbert  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton

Vale  
Waggoner  
Walker  
Weldon  
Winfree  
Wood  
Worley

## Nays—2

Lankford

Moffett

## Absent

Bates	Hartzog
Beckworth	Leath
Bradford	McDonald
Broadfoot	McKee
Brown	McKinney
Burton	Metcalfe
Colquitt	Palmer
Davisson	Patterson of Mills
of Eastland	Reader
Dean	Riddle
Dollins	Simpson
Farmer	Skaggs
Fuchs	Smith of Hopkins
Graves	Stevenson
Hardin	Westbrook

## Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Smith
McCracken	of Matagorda
Nicholson	

## HOUSE BILL NO. 79 ON SECOND READING

On motion of Mr. Harper, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule, were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 79.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 79, A bill to be entitled "An Act to amend House Bill No. 804, Regular Session, Forty-fifth Legislature by providing for the transportation of fish in one container under certain specified conditions."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 79 ON THIRD READING

Mr. Harper moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 79 be placed

on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adkins	King
Alexander	Knetsch
Alsup	Langdon
Amos	Lankford
Baker	Lanning
Beckworth	Leonard
Bell	Leyendecker
Blankenship	Little
Boethel	Loggins
Bond	London
Boyer	Lucas
Bradbury	Mann
Bridgers	Mauritz
Broadfoot	Mays
Brown	McConnell
Burton	McFarland
Callan	McKinney
Carssow	Moffett
Cathey	Monkhouse
Cauthorn	Morse
Celaya	Newton
Cleveland	Palmer
Davis of Haskell	Patterson
Davis of Jasper	of Travis
Deglandon	Petsch
Derden	Pope
Dickison	Powell
England	Ragsdale
Felty	Reader
Fielden	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Rhodes
Hamilton	Roark
Hankamer	Ross
Hanna	Russell
Harbin	Rutta
Hardin	Schuenemann
Harper	Settle
Harrell	Sewell
Harris of Dallas	Sharpe
Harris of Dickens	Shell
Holland	Smith of Tarrant
Hoskins	Stinson
Howard	Stocks
Huddleston	Talbert
Hull	Tarwater
Jackson	Tennant
James	Tennyson
Johnson of Ellis	Thornberry
Johnson	Thornton
of Tarrant	Vale
Jones of Angelina	Waggoner
Jones of Atascosa	Walker
Jones of Falls	Weldon
Jones of Wise	Winfree
Keefe	Wood
Kelt	Worley
Kern	

Nays—2

Harris of Archer Keith

Absent

Bates	Leath
Bradford	McDonald
Colquitt	McKee
Davisson	Metcalf
of Eastland	Morris
Dean	Patterson of Mills
Dollins	Riddle
Farmer	Simpson
Fox	Skaggs
Graves	Smith of Hopkins
Hartzog	Stevenson
Herzik	Westbrook
Kenyon	

Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Smith
McCracken	of Matagorda
Nicholson	

The Speaker then laid House Bill No. 79 before the House on third reading and final passage.

The bill was read third time.

Mr. Harper offered the following amendment to the bill:

"Amend House Bill No. 79, by adding thereto an emergency clause."

The amendment was adopted.

Senate Bill No. 79 was then passed by the following vote:

Yeas—113

Adkins	Davis of Jasper
Alexander	Deglandon
Alsup	Derden
Amos	Dickison
Baker	England
Beckworth	Felty
Bell	Fielden
Blankenship	Fuchs
Boethel	Gibson
Bond	Hamilton
Boyer	Hankamer
Bradbury	Hanna
Bridgers	Harbin
Broadfoot	Hardin
Brown	Harper
Burton	Harrell
Callan	Harris of Dallas
Carssow	Harris of Dickens
Cathey	Holland
Cauthorn	Hoskins
Celaya	Howard
Cleveland	Huddleston
Davis of Haskell	Hull

Jackson	Patterson
James	of Travis
Johnson of Ellis	Petsch
Johnson	Pope
of Tarrant	Powell
Jones of Angelina	Ragsdale
Jones of Atascosa	Reader
Jones of Falls	Reed of Bowie
Jones of Wise	Reed of Dallas
Keefe	Rhodes
Kelt	Roark
Kern	Ross
King	Russell
Knetsch	Rutta
Langdon	Schuenemann
Lankford	Settle
Lanning	Sewell
Leonard	Sharpe
Leyendecker	Shell
Little	Smith of Tarrant
Loggins	Stinson
London	Stocks
Lucas	Talbert
Mann	Tarwater
Mauritz	Tennant
Mays	Tennyson
McConnell	Thornberry
McFarland	Thornton
McKinney	Vale
Moffett	Waggoner
Monkhouse	Walker
Morse	Weldon
Newton	Winfree
Palmer	Wood
	Worley

## Nays—2

Harris of Archer Keith

## Absent

Bates	Leath
Bradford	McDonald
Colquitt	McKee
Davisson	Metcalfe
of Eastland	Morris
Dean	Patterson of Mills
Dollins	Riddle
Farmer	Simpson
Fox	Skaggs
Graves	Smith of Hopkins
Hartzog	Stevenson
Herzik	Westbrook
Kenyon	

## Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Smith
McCracken	of Matagorda
Nicholson	

## HOUSE BILL NO. 81 ON SECOND READING

On motion of Mr. Carssow, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule, were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 81.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 81, A bill to be entitled "An Act to authorize persons, firms and corporations to form associations or organizations to be known as Live-stock Exchanges; to make and enforce reasonable rules and regulations for the government of such exchanges and its members, and providing penalties for violation of such rules; and to declare an emergency."

The bill was read second time, and was passed to engrossment.

## MOTION TO TAKE UP HOUSE BILL NO. 81

Mr. Carssow moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 81 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—85

Adkins	Hanna
Alexander	Harbin
Baker	Harrell
Bates	Harris of Archer
Blankenship	Harris of Dallas
Boyer	Harris of Dickens
Bradbury	Herzik
Bridgers	Holland
Callan	Howard
Carssow	Huddleston
Cathey	Jackson
Celaya	James
Cleveland	Johnson of Ellis
Davis of Haskell	Johnson
Davis of Jasper	of Tarrant
Deglandon	Jones of Falls
Derden	Keefe
Dickison	Kenyon
England	King
Felty	Langdon
Fielden	Lanning
Fuchs	Leonard
Gibson	Leyendecker
Hamilton	Little
Hankamer	Loggins

Lucas	Russell
Mann	Settle
Mauritz	Sewell
McConnell	Sharpe
McFarland	Smith of Tarrant
Moffett	Stinson
Morris	Stocks
Morse	Talbert
Newton	Tennant
Petsch	Tarwater
Pope	Thornberry
Powell	Thornton
Reader	Vale
Reed of Dallas	Waggoner
Rhodes	Weldon
Roark	Winfree
Rutta	Wood
Ross	Worley

## Nays—28

Amos	Kern
Bell	Knetsch
Boethel	Lankford
Bond	London
Broadfoot	Metcalfe
Brown	Monkhouse
Burton	Palmer
Cauthorn	Ragsdale
Graves	Reed of Bowie
Harper	Schuenemann
Jones of Angelina	Shell
Jones of Wise	Tennyson
Keith	Walker
Kelt	Westbrook

## Absent

Alsup	Leath
Beckworth	Mays
Bradford	McCracken
Colquitt	McDonald
Davison	McKee
of Eastland	McKinney
Dean	Patterson of Mills
Dollins	Patterson
Farmer	of Travis
Fox	Riddle
Hardin	Simpson
Hartzog	Skaggs
Hoskins	Smith of Hopkins
Hull	Stevenson
Jones of Atascosa	

## Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Smith
Nicholson	of Matagorda

## HOUSE BILL NO. 82 ON SECOND READING

On motion of Mr. King, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were

suspended for the purpose of taking up and considering, until disposed of, House Bill No. 82.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 82, A bill to be entitled "An Act amending Acts of 1935, Forty-fourth Legislature, Special Laws, page 1210, Chapter 45, prohibiting transportation of minnows of any and all species outside of the counties wherein such minnows are caught, seined, or taken, by adding thereto the Counties of Parker, Jack, and Young, and declaring an emergency."

The bill was read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 82 was then passed to engrossment.

## HOUSE BILL NO. 82 ON THIRD READING

Mr. King moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—113

Adkins	Dickison
Alsup	England
Amos	Fielden
Baker	Fuchs
Bates	Gibson
Beckworth	Hamilton
Bell	Hanna
Blankenship	Harbin
Boethel	Hardin
Bond	Harrell
Boyer	Harris of Archer
Bradbury	Harris of Dallas
Bridgers	Harris of Dickens
Broadfoot	Herzik
Brown	Holland
Burton	Hoskins
Callan	Howard
Carssow	Huddleston
Cathey	Jackson
Cauthorn	James
Celaya	Johnson of Ellis
Cleveland	Johnson
Davis of Haskell	of Tarrant
Davis of Jasper	Jones of Angelina
Deglandon	Jones of Atascosa
Derden	Jones of Falls

Jones of Wise	Powell	Bates	Lankford
Keefe	Ragsdale	Beckworth	Lanning
Keith	Reader	Bell	Leath
Kelt	Reed of Bowie	Blankenship	Leonard
Kern	Reed of Dallas	Boethel	Leyendecker
King	Rhodes	Bond	Little
Knetsch	Roark	Boyer	Loggins
Langdon	Ross	Bradbury	London
Lankford	Russell	Bridgers	Lucas
Lanning	Rutta	Broadfoot	Mann
Leath	Schuenemann	Brown	McConnell
Leonard	Sewell	Burton	McFarland
Leyendecker	Sharpe	Callan	McKee
Little	Skaggs	Carssow	McKinney
Loggins	Smith of Tarrant	Cathey	Metcalfe
London	Stinson	Cauthorn	Moffett
Lucas	Stocks	Celaya	Monkhouse
Mann	Talbert	Cleveland	Morse
McConnell	Tarwater	Davis of Haskell	Newton
McFarland	Tennant	Davis of Jasper	Palmer
McKee	Tennyson	Deglandon	Patterson
McKinney	Thornberry	Derden	of Travis
Metcalfe	Thornton	Dickison	Petsch
Moffett	Vale	England	Pope
Monkhouse	Waggoner	Fielden	Powell
Morse	Walker	Fuchs	Ragsdale
Newton	Weldon	Gibson	Reader
Palmer	Westbrook	Hamilton	Reed of Bowie
Patterson	Winfree	Hanna	Reed of Dallas
of Travis	Wood	Harbin	Rhodes
Petsch	Worley	Hardin	Roark
Pope		Harrell	Ross
	Absent	Harris of Archer	Russell
Alexander	Hartzog	Harris of Dallas	Rutta
Bradford	Hull	Harris of Dickens	Schuenemann
Colquitt	Kenyon	Herzik	Sewell
Davisson	Mauritz	Holland	Sharpe
of Eastland	Mays	Hoskins	Skaggs
Dean	McDonald	Howard	Smith of Tarrant
Dollins	Morris	Huddleston	Stinson
Farmer	Patterson of Mills	Jackson	Stocks
Felty	Riddle	James	Talbert
Fox	Shell	Johnson of Ellis	Tarwater
Graves	Simpson	Johnson	Tennant
Hankamer	Smith of Hopkins	of Tarrant	Tennyson
Harper	Stevenson	Jones of Angelina	Thornberry
		Jones of Atascosa	Thornton
		Jones of Falls	Vale
		Jones of Wise	Waggoner
		Keith	Walker
		Keefe	Weldon
		Kelt	Westbrook
		Kern	Winfree
		King	Wood
		Knetsch	Worley
		Langdon	
			Absent
		Alexander	Felty
		Bradford	Fox
		Colquitt	Graves
		Davisson	Hankamer
		of Eastland	Harper
		Dean	Hartzog
		Dollins	Hull
		Farmer	Kenyon

The Speaker then laid House Bill No. 82 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adkins	Amos
Alsop	Baker

Mauritz	Riddle
Mays	Shell
McDonald	Simpson
Morris	Smith of Hopkins
Patterson of Mills	Stevenson

## Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Settle
McCracken	Smith
Nicholson	of Matagorda

## HOUSE BILL NO. 83 ON SECOND READING.

On motion of Mr. Wood, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 83.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 83, A bill to be entitled "An Act making it lawful for a person or persons to gig certain fish within the waters of Caddo Lake in Harrison and Marion Counties."

The bill was read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 83 was then passed to engrossment.

## HOUSE BILL NO. 83 ON THIRD READING

Mr. Wood moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 83 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adkins	Boyer
Alexander	Bradbury
Alsup	Bridgers
Amos	Broadfoot
Baker	Brown
Bates	Burton
Beckworth	Callan
Bell	Cathey
Blankenship	Cauthorn
Boethel	Celaya
Bond	Cleveland

Davis of Haskell
Davis of Jasper
Deglandon
Derden
Dickison
England
Felty
Fielden
Fuchs
Gibson
Graves
Hamilton
Hankamer
Hanna
Harbin
Hardin
Harper
Harrell
Harris of Archer
Harris of Dallas
Harris of Dickens
Herzik
Holland
Hoskins
Howard
Huddleston
Jackson
James
Johnson of Ellis
Johnson
of Tarrant
Jones of Angelina
Jones of Atascosa
Jones of Falls
Jones of Wise
Keefe
Keith
Kelt
Kenyon
Kern
King
Knetsch
Langdon
Lankford
Lanning
Leonard
Leyendecker
Little

Loggins
London
Lucas
Mann
Mauritz
McConnell
McFarland
Metcalfe
Moffett
Monkhouse
Morris
Morse
Newton
Palmer
Patterson
of Travis
Petsch
Pope
Powell
Ragsdale
Reader
Reed of Bowie
Reed of Dallas
Roark
Ross
Russell
Rutta
Schuenemann
Sewell
Shell
Skaggs
Smith of Hopkins
Smith of Tarrant
Stocks
Talbert
Tarwater
Tennant
Tennyson
Thornberry
Thornton
Vale
Walker
Weldon
Westbrook
Winfree
Wood
Worley

Nays—2

Rhodes	Stinson
--------	---------

Absent

Bradford	Leath
Carssow	Mays
Colquitt	McDonald
Davisson	McKee
of Eastland	McKinney
Dean	Patterson of Mills
Dollins	Riddle
Farmer	Sharpe
Fox	Simpson
Hartzog	Stevenson
Hull	Waggoner

## Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Settle
McCracken	Smith
Nicholson	of Matagorda

The Speaker then laid House Bill No. 83 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—115

Adkins	James
Alexander	Johnson of Ellis
Alsup	Johnson
Amos	of Tarrant
Baker	Jones of Angelina
Bates	Jones of Atascosa
Beckworth	Jones of Falls
Bell	Jones of Wise
Blankenship	Keefe
Boethel	Keith
Bond	Kelt
Boyer	Kenyon
Bradbury	Kern
Bridgers	King
Broadfoot	Knetsch
Brown	Langdon
Burton	Lankford
Callan	Lanning
Cathey	Leonard
Cauthorn	Leyendecker
Celaya	Little
Cleveland	Loggins
Davis of Haskell	London
Davis of Jasper	Lucas
Deglandon	Mann
Derden	Mauritz
Dickison	McConnell
England	McFarland
Felty	Metcalfe
Fielden	Moffett
Fuchs	Monkhouse
Gibson	Morris
Graves	Morse
Hamilton	Newton
Hankamer	Palmer
Hanna	Patterson
Harbin	of Travis
Hardin	Petsch
Harper	Pope
Harrell	Powell
Harris of Archer	Ragsdale
Harris of Dallas	Reader
Harris of Dickens	Reed of Bowie
Herzik	Reed of Dallas
Holland	Roark
Hoskins	Ross
Howard	Russell
Huddleston	Rutta
Jackson	Schuenemann

Sewell	Thornberry
Shell	Thornton
Skaggs	Vale
Smith of Hopkins	Walker
Smith of Tarrant	Weldon
Stocks	Westbrook
Talbert	Winfree
Tarwater	Wood
Tennant	Worley
Tennyson	

## Nays—2

Rhodes	Stinson
--------	---------

## Absent

Bradford	Leath
Carssow	Mays
Colquitt	McDonald
Davisson	McKee
of Eastland	McKinney
Dean	Patterson of Mills
Dollins	Riddle
Farmer	Sharpe
Fox	Simpson
Hartzog	Stevenson
Hull	Waggoner

## Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Settle
McCracken	Smith
Nicholson	of Matagorda

## HOUSE BILL NO. 84 ON SECOND READING

On motion of Mr. Keith, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 84.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 84, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Anderson County during the months of December and January; making it unlawful to take pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; making certain exceptions; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 84 ON THIRD  
READING

Mr. Keith moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 84 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adkins	Kenyon
Alsup	Kern
Amos	King
Baker	Knetsch
Bates	Langdon
Bell	Lankford
Blankenship	Lanning
Boethel	Leath
Bond	Leonard
Boyer	Leyendecker
Bradbury	Little
Bridgers	Loggins
Broadfoot	London
Brown	Lucas
Burton	Mann
Callan	Mauritz
Cathey	McConnell
Cauthorn	McFarland
Celaya	Moffett
Cleveland	Monkhouse
Davis of Haskell	Morris
Deglandon	Morse
Derden	Newton
Dickison	Palmer
England	Petsch
Felty	Pope
Fielden	Powell
Fuchs	Ragsdale
Gibson	Reader
Hamilton	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Rhodes
Harbin	Roark
Hardin	Ross
Harrell	Russell
Harris of Archer	Rutta
Harris of Dallas	Schuenemann
Harris of Dickens	Sewell
Holland	Shell
Hoskins	Skaggs
Huddleston	Smith of Tarrant
Jackson	Stinson
James	Stocks
Johnson of Ellis	Talbert
Johnson	Tarwater
of Tarrant	Tennant
Jones of Angelina	Tennyson
Jones of Atascosa	Thornberry
Jones of Falls	Thornton
Jones of Wise	Vale
Keefe	Walker
Keith	Weldon
Kelt	Westbrook

Winfree  
Wood

Worley

Absent

Alexander	Howard
Beckworth	Hull
Bradford	Mays
Carsow	McDonald
Colquitt	McKee
Davis of Jasper	McKinney
Davison	Patterson of Mills
of Eastland	Patterson
Dean	of Travis
Dollins	Riddle
Farmer	Sharpe
Fox	Simpson
Graves	Smith of Hopkins
Hartzog	Stevenson
Herzik	Waggoner

Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Harper	Prescott
Heflin	Quinn
Hyder	Settle
McCracken	Smith
Metcalf	of Matagorda

The Speaker then laid House Bill No. 84 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—108

Adkins	Hankamer
Alsup	Hamilton
Amos	Hanna
Baker	Harbin
Bates	Hardin
Bell	Harrell
Blankenship	Harris of Archer
Boethel	Harris of Dallas
Bond	Harris of Dickens
Boyer	Holland
Bradbury	Hoskins
Bridgers	Huddleston
Broadfoot	Jackson
Brown	James
Burton	Johnson of Ellis
Callan	Johnson
Cathey	of Tarrant
Cauthorn	Jones of Angelina
Celaya	Jones of Atascosa
Cleveland	Jones of Falls
Davis of Haskell	Jones of Wise
Deglandon	Keefe
Derden	Keith
Dickison	Kelt
England	Kenyon
Felty	Kern
Fielden	King
Fuchs	Knetsch
Gibson	Langdon

Lankford	Rhodes
Lanning	Roark
Leath	Ross
Leonard	Russell
Leyendecker	Rutta
Little	Schuenemann
Loggins	Sewell
London	Shell
Lucas	Skaggs
Mann	Smith of Tarrant
Mauritz	Stinson
McConnell	Stocks
McFarland	Talbert
Moffett	Tarwater
Monkhouse	Tennant
Morris	Tennyson
Morse	Thornberry
Newton	Thornton
Palmer	Vale
Petsch	Walker
Pope	Weldon
Powell	Westbrook
Ragsdale	Winfree
Reader	Wood
Reed of Bowie	Worley
Reed of Dallas	

## Absent

Alexander	Howard
Beckworth	Hull
Bradford	Mays
Carssow	McDonald
Colquitt	McKee
Davis of Jasper	McKinney
Davison	Patterson of Mills
of Eastland	Patterson
Dean	of Travis
Dollins	Riddle
Farmer	Sharpe
Fox	Simpson
Graves	Smith of Hopkins
Hartzog	Stevenson
Herzik	Waggoner

## Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Harper	Prescott
Heflin	Quinn
Hyder	Settle
McCracken	Smith
Metcalfe	of Matagorda

## HOUSE BILL NO. 80 ON SECOND READING

On motion of Mr. McKinney, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering, until disposed of, House Bill No. 80.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 80, A bill to be entitled

"An Act amending Chapter 206, of the Regular Session of the Forty-first Legislature authorizing the Board of Directors of Texas Technological College to erect and equip and make contracts for the erection and equipping of dormitories, other buildings and improvements on the campus; to enter into contracts with municipalities or school districts for joint construction of museums, or such other buildings as may be necessary; to issue obligations under the limitations herein prescribed and to pledge the rents, revenues and incomes from the operation of such improvements to be erected hereunder, and/or then owned for the repayment of said obligations; and all other rents, revenues and incomes from every source, except appropriations made by the Legislature for a particular specific purpose; to establish and maintain such schedule of rates, fees and charges for the use of facilities afforded by its dormitories, other buildings, and improvements and revenues from athletic fields and stadiums, as necessary for payment of principal and interest of indebtedness; providing that in the erection of such buildings and improvements or in contracting therefor no indebtedness shall be incurred against the State of Texas; repealing all laws and parts of laws in conflict with the provisions of this Act and providing that if any sections, provisions or portions of this Act be held invalid that the same shall not affect the remaining sections, provisions or portions thereof, and declaring an emergency."

The bill was read second time.

Mr. Cleveland offered the following amendment to the bill:

Amend House Bill No. 80, by adding after the words, "The Board of Directors of the Texas Technological College" wherever such words appear in said bill the words "and the Board of Regents of the State Teachers Colleges of Texas, and the Board of Directors of the Texas A. & I. College at Kingsville, Texas", and changing the word "is" to "are" wherever it appears after the word "Directors" and after the word "College"; and in Sections 8 and 9 of said bill the word "Board" shall be changed to read "Boards" wherever it appears in said sections.

CLEVELAND,  
McKINNEY,  
CAUTHORN,

LITTLE,  
BATES,  
MORRIS,  
VALE.

The amendment was adopted.

Mr. Keefe offered the following amendment to the bill:

Amend mimeographed copy of House Bill No. 80, Section 3, line 25, by striking out all after the word "hereunder" through line 33, closing with the word "sources".

KEEFE,  
BECKWORTH.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 80 was then passed to engrossment.

#### HOUSE BILL NO. 80 ON THIRD READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adkins	Hamilton
Alsup	Hankamer
Amos	Hanna
Baker	Hardin
Beckworth	Harbin
Bell	Harper
Bates	Harrell
Blankenship	Harris of Archer
Boethel	Harris of Dallas
Boyer	Harris of Dickens
Bradbury	Herzik
Bridgers	Holland
Broadfoot	Hoskins
Brown	Howard
Burton	Hull
Callan	Jackson
Carssow	James
Cathey	Johnson of Ellis
Cauthorn	Johnson
Celaya	of Tarrant
Cleveland	Jones of Angelina
Davis of Haskell	Jones of Falls
Deglandon	Jones of Wise
Derden	Keefe
Dickson	Keith
England	Kelt
Fuchs	Kenyon
Gibson	Kern

King  
Knetsch  
Langdon  
Lankford  
Lanning  
Leonard  
Leyendecker  
Little  
Loggins  
London  
Lucas  
Mann  
Mauritz  
McConnell  
McDonald  
McKee  
McKinney  
Metcalf  
Moffett  
Monkhouse  
Morris  
Morse  
Newton  
Petsch  
Pope  
Powell  
Ragsdale  
Reader

Reed of Bowie  
Reed of Dallas  
Rhodes  
Roark  
Ross  
Russell  
Rutta  
Schuenemann  
Sewell  
Skaggs  
Smith of Hopkins  
Smith of Tarrant  
Stinson  
Stocks  
Talbert  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton  
Vale  
Waggoner  
Walker  
Weldon  
Winfree  
Wood  
Worley

#### Absent

Alexander	Huddleston
Bond	Jones of Atascosa
Bradford	Leath
Colquitt	Mays
Davis of Jasper	McFarland
Davisson	Palmer
of Eastland	Patterson of Mills
Dean	Patterson
Dollins	of Travis
Farmer	Riddle
Felty	Sharpe
Fielden	Shell
Fox	Simpson
Graves	Stevenson
Hartzog	Westbrook

#### Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Settle
McCracken	Smith
Nicholson	of Matagorda

The Speaker then laid House Bill No. 80 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—110

Adkins	Bates
Alsup	Beckworth
Amos	Boethel
Baker	Boyer

Bell	Lanning
Blankenship	Leonard
Bradbury	Leyendecker
Bridgers	Little
Broadfoot	Loggins
Brown	London
Burton	Lucas
Callan	Mann
Carssow	Mauritz
Cathey	McConnell
Cauthorn	McDonald
Celaya	McKee
Cleveland	McKinney
Davis of Haskell	Metcalf
Deglandon	Moffett
Derden	Monkhouse
Dickison	Morris
England	Morse
Fuchs	Newton
Gibson	Petsch
Hamilton	Pope
Hankamer	Powell
Hanna	Ragsdale
Hardin	Reader
Harbin	Reed of Bowie
Harper	Reed of Dallas
Harsell	Rhodes
Harris of Archer	Roark
Harris of Dallas	Ross
Harris of Dickens	Russell
Herzik	Rutta
Holland	Schuenemann
Hoskins	Sewell
Howard	Skaggs
Hull	Smith of Hopkins
Jackson	Smith of Tarrant
James	Stinson
Johnson of Ellis	Stocks
Johnson	Talbert
of Tarrant	Tarwater
Jones of Angelina	Tennant
Jones of Falls	Tennyson
Jones of Wise	Thornberry
Keefe	Thornton
Keith	Vale
Kelt	Waggoner
Kenyon	Walker
Kern	Weldon
King	Winfree
Knetsch	Wood
Langdon	Worley
Lankford	
Absent	
Alexander	Fox
Bond	Graves
Bradford	Hartzog
Colquitt	Huddleston
Davis of Jasper	Jones of Atascosa
Davisson	Leath
of Eastland	Mays
Dean	McFarland
Dollins	Palmer
Farmer	Patterson of Mills
Felty	Patterson
Fielden	of Travis

Riddle	Simpson
Sharpe	Stevenson
Shell	Westbrook

## Absent—Excused

Cagle	Oliver
Davison of Fisher	Prescott
Heflin	Quinn
Hyder	Settle
McCracken	Smith
Nicholson	of Matagorda

## MESSAGE FROM THE SENATE

Austin, Texas, June 24, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 13, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Westerfeld, Pace, Newton, Cotten and Moore.

Has passed

H. B. No. 55, A bill to be entitled "An Act appointing Directors of San Antonio River Canal and Conservancy District, providing for the appointment of their successors, designating their terms of office, providing for the filling of vacancies, prescribing the oath of office, providing who is eligible for appointment, and declaring an emergency."

H. B. No. 65, A bill to be entitled "An Act amending Section 11 of Senate Bill No. 185, Acts of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

H. B. No. 47, A bill to be entitled "An Act to amend Article 2371 of the Revised Civil Statutes of Texas of 1925, and as amended by House Bill No. 675, Acts of the Forty-fifth Legislature, Regular Session, by providing that in all counties of this State, having a population of two hundred and fifty thousand (250,000), or more, according to the last United States Census, the Commissioners' Court in such county may expend, in furnishing a rest room for women in the courthouse, or in courthouse buildings or on courthouse grounds, a sum not to exceed Three Hundred (\$300.00) Dollars; and may expend for its maintenance, including the compensation paid by the county to

the matron, an amount not to exceed One Hundred (\$100.00) Dollars per month, and declaring an emergency."

H. B. No. 44, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency." (With amendments.)

H. B. No. 57, A bill to be entitled "An Act amending Article 3899 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 311, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature; providing that criminal district attorneys who perform the duties of District Attorneys in certain counties may incur certain expenses in investigating crime and accumulating evidence in criminal cases, and for the payment for mileage, etc., and declaring an emergency."

S. C. R. No. 9, Empowering the disbursing agency of the State to pay certain limited sums to certain schools qualifying under Senate Bill No. 185 of the Regular Session, Forty-fifth Legislature.

The Senate has adopted the conference committee report on Senate Bill No. 2 by the following vote: Yeas, 22; Nays, 0.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 2

Mr. Reed of Bowie, Chairman, submitted the following Conference Committee Report on Senate Bill No. 2:

Austin, Texas, June 23, 1937.

Honorable Walter F. Woodul, President of the Senate.

Honorable Robert W. Calvert, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the

House on Senate Bill No. 2, beg leave to report that we have adjusted the differences and recommend the passage of Senate Bill No. 2 in the form attached hereto.

VAN ZANDT,  
RAWLINGS,  
COLLIE,  
BURNS,  
WOODRUFF,

On the part of the Senate.

REED of Bowie,  
DAVISON of Fisher,  
BROADFOOT,  
JAMES,  
BROWN,

On the part of the House.

S. B. No. 2,

#### A BILL

#### To Be Entitled

An Act defining and prohibiting the offenses of "bookmaking" and of "pursuing the business of book making;" making it unlawful to permit the use of certain property in connection with book making; prohibiting and regulating the use of certain methods of communication in connection with or in aid of book making; declaring certain property used in connection with book making to be a public nuisance and providing procedure for the abatement of that nuisance; authorizing conviction for any offense under this Act upon the uncorroborated testimony of an accomplice; and exempting from prosecution accomplices who testify; providing the quantum of proof and allegation upon trial of cases arising under this Act; prescribing penalties for a violation of the several provisions hereof; making the provisions of this Act cumulative of existing laws; providing that peace officers and other officers named herein may make arrests without warrants in certain instances; providing for the joinder of persons in indictment for the offenses herein and for joint indictment and joint trial for offenses under the Act and prescribing procedure thereto; providing a saving or severance clause; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Any person who takes or accepts or places for another a bet or wager of money or anything

of value on a horse race, dog race, automobile race, motorcycle race or any other race of any kind whatsoever, football game, baseball game, athletic contest or sports event of whatsoever kind or character; or any person who offers to take or accept or place for another any such bet or wager; or any person who as an agent, servant or employee or otherwise, aids or encourages another to take or accept or place any such bet or wager; or any person who directly or indirectly authorizes, aids or encourages any agent, servant or employee or other person to take or accept or place or transmit any such bet or wager shall be guilty of book making and upon conviction be punished by confinement in the State Penitentiary for any term of years not less than one nor more than five or by confinement in the county jail for not less than ten (10) days nor more than one year and by a fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars.

Sec. 2. Any person who shall within a period of one (1) year next preceding the filing of the indictment commit as many as three (3) acts which are prohibited under Section 1 of this Act shall be guilty of engaging in the business of book making and upon conviction shall be punished as provided in Section 1 of this Act.

Sec. 3. The term "pursuing the business of book making" within the meaning of Section 2 shall not be restricted to mean the primary or principal vocation or business of the defendant.

Sec. 4. Using Place for Book making.—Any owner, agent, lessor or lessee of any real or personal property who shall knowingly use or knowingly permit such property to be used in connection with book making, as such term is herein defined, shall be guilty of a felony and upon conviction shall be punished as set forth under Section 1 of this Act.

Sec. 5. Use of Communication Methods in Aid of Book making.—It shall be unlawful for any person or the agent, servant or employee of any person, corporation or association of persons, knowingly to furnish telephone, telegraph, teletype, teleprint or radio service or equipment; or to place the same on any property in this State used for the purpose pro-

hibited by this Act or to assist in the violation of any of the provisions of this Act by the furnishing of any telephone, telegraph, teletype, teleprint or radio service or equipment. It shall also be unlawful for any person or association of persons or corporations knowingly to permit any telephone, telegraph, teletype, teleprint, radio or other means of communication whatever to remain on any property used for the purpose prohibited by this Act. Any person or association of persons or any corporation violating any provision of this Section shall be fined not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars. No person or corporation engaged in the business of furnishing telephone, telegraph, teletype, teleprint, radio service or equipment to the public shall be liable in damages when it or they, in good faith, refuse to furnish telephone, telegraph, teletype, teleprint, radio service or equipment, or refuse to continue to do so, believing it to be used or it is used in violation of this Act, or where it or they refuse to furnish or to continue to furnish telephone, telegraph, teletype, teleprint, radio service or equipment after written notice from a grand jury, district attorney, county attorney, sheriff, chief of police, constable, any member of the State Highway Patrol or State ranger served by registered mail upon such person, corporation or association of persons, that the equipment or service furnished to a particular person, corporation or place is being furnished in violation of the provisions of this Act. After such notice has been given to any person or corporation engaged in the business of furnishing telephone, telegraph, teletype, teleprint, radio service or equipment to the public that such service or equipment is being used or is to be used in violation of this Act, the continued furnishing of such service or equipment shall be prima facie evidence of the knowledge of such person, corporation or association of persons that said property or premises are being used in violation of this Act.

Sec. 6. Any room, place, building, structure or property or the furniture, fixtures or paraphernalia of whatsoever kind or character used in connection with the offense of book making or pursuing the business of

book making, as defined in this Act, are hereby declared to be public nuisances. Whenever the district attorney, criminal district attorney, county attorney or attorney general has reliable information that such a nuisance exists he shall file a suit in the name of the State in the county where the nuisance is alleged to exist to abate such nuisance. If judgment be in favor of the State, then judgment shall be rendered abating said nuisance and enjoining the defendant or defendants from maintaining the same and ordering the said premises to be closed for one year from date of said judgment, unless the defendants in said suit or the owner, tenant or lessee of said property, make bond payable to the State at the County seat of the county where such nuisance is alleged to exist in the penal sum of not less than One Thousand (\$1,000.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars with good and sufficient sureties to be approved by the judge trying the case conditioned that the acts prohibited in this law shall not be done or permitted to be done in or upon said premises or the terms of the injunction violated. On the violation of any condition of such bond or injunction the whole sum may be recovered as a penalty in the name and for the State in the County where such conditions are violated, all such suits to be brought by the district attorney, criminal district attorney, county attorney of such county, or the attorney general of Texas.

Sec. 7. A conviction may be had for the violation of any of the provisions of this Act upon the uncorroborated testimony of any accomplice; provided, further, that any party to a transaction prohibited by this Act may be required to furnish evidence and testify, but after so testifying such person shall be exempt from prosecution with reference to any transaction about which he is required to furnish evidence.

Sec. 8. Upon the trial for any offense under this Act it shall not be necessary that the State allege or prove that any race, game, contest or event was in fact run or did in fact happen or occur.

Sec. 9. For the violation of any of the provisions of this Act, two or more persons may be jointly indicted in single or multiple counts of the same indictment and at the election of the

State be jointly tried; provided that upon any such joint trial the defendants may testify as witnesses for one another.

Sec. 10. It shall be the duty of all peace officers and all other officers named in this Act to arrest without warrant any and all persons violating any provision of this Act, whenever such violation shall be committed within the view of such officer or officers.

Sec. 11. The provisions of this Act shall be cumulative of all other existing Articles of the Penal Code upon the same subject and in the event of a conflict between existing Articles and the provisions of this Act then and in that event the provisions, offenses and punishments set forth herein shall prevail over such existing Articles.

Sec. 12. If any clause, provision, requirement, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of this Act; but shall be confined in its operation to the clause, provision, requirement or part thereof declared invalid.

Sec. 13. The fact that a Special Session of the Forty-fifth Legislature is now in session to consider the provisions set forth hereinabove creates an emergency and an imperative public necessity that the Constitutional Rule providing a bill to be read on three (3) several days in each House be suspended, and said rule is hereby suspended, and that this Act shall have effect and be in force from and after its passage, and it is so enacted.

Mr. Kenyon moved that further consideration of the report be postponed until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Kenyon prevailed.

#### REQUEST OF SENATE GRANTED

On motion of Mr. Stinson, the House granted the request of the Senate for a conference committee to adjust the differences between the two Houses on Senate Bill No. 13.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 20

Mr. Morse, Chairman, submitted the following Conference Committee Report on Senate Bill No. 20:

Austin, Texas, June 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 20, beg leave to report that we have considered the same and recommend that it do pass in the form and text heretofore attached.

SMALL,  
BURNS,  
ISBELL,  
PACE,

On the part of the Senate.

MORSE,  
HARRIS of Dallas,  
KEITH,  
KNETSCH,  
MOFFETT,

On the part of the House.

S. B. No. 20,

#### A BILL

#### To Be Entitled

An Act amending Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature providing for the issuance of certain permits by the Texas Liquor Control Board and defining the privileges to be exercised thereunder; further providing certain and definite procedure in applying for permits and licenses; further regulating the traffic in alcoholic beverages in this State and prescribing penalties for violations thereof; providing the Texas Liquor Control Board and its representatives with additional powers to administer the provisions of the Texas Liquor Control Act; providing for certain issues to be submitted at local option elections; providing for the procedure in hearings before the Board or Administrator and in appealing from decisions of the Board or Administrator; providing cities, towns, and counties to regulate the sale of beer in certain areas; further providing for the making and keeping of records by licensees and permittees and providing penalties therefor; further defining offenses under the Texas Liquor Control Act and prescribing penalties; amending

Sections 15(8), 15(12), 15(16), 15(c)(2), 17(4), 17(6), 21(c), 40, 23(a)2, and 25(a) all of Article I and Sections 3(h), 3-b, 7(d), 7(e), 9, 19, 20, 22, and 26 of Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted and amended by Sections 16-15(8), 16-15(12), 16-15(16), 19-15(c)(2), 22-17(4), 22-17(6), 29-21(c), 30(a)-40, 31-23(a)-2, 33-25(a), 49-3(h), 49-3-b, 49-7(d), 49-7(e), 49-9, 49-19, 49-20, 49-22, and 49-26, respectively of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature; adding thereto a new section to be known as Section 10½ of Article II; fixing the effective date of this Act and declaring an emergency.

Be It Enacted by the Legislature Of the State of Texas:

Section 1. That Subdivision 8 under Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by Section 16, Article I, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"(8). Package Store Permit. A package store permit shall authorize the holder thereof to:

"(a). Purchase liquor from the holders in this State of Winery, Wholesaler's, Class B Wholesaler's, and Wine Bottler's Permits;

"(b). Sell on or from licensed premises at retail to consumer for off-premises consumption only and in unbroken packages and unbroken containers only;

"(c). Sell malt and vinous liquors in original containers of not less than six (6) ounces;

"(d). Sell vinous liquors but in quantities of not more than five (5) gallons in original containers in any single transaction;

"(e). Any person holding more than one package store permit may designate one of the licensed premises as the place for storage of liquor and he shall be privileged to transfer liquor from such storage to his other licensed premises under such rules as shall be prescribed by the Board.

"The annual fee for a package store in cities and towns shall be based upon the population according to the

last preceding Federal Census as follows:

Population	Fee
25,000 or less	\$ 125.00
25,001 to 75,000	175.00
75,001 or more	250.00

"The annual fee for a package store outside of cities and towns shall be One Hundred and Twenty-five Dollars (\$125.00), except the annual fee for a package store outside of any incorporated city or town and within two (2) miles of the corporate limits shall be the same as the fee required in said incorporated city or town.

"The annual fee for a package store to sell wine only in cities and towns shall be based on population according to the last preceding Federal Census as follows:

Population	Fee
2,000 or less	\$ 5.00
2,001 to 5,000	7.50
5,001 to 10,000	10.00
10,000 or more	12.50

"The annual fee for a package store to sell wine only outside of cities and towns shall be Five Dollars (\$5)."

Sec. 2. That Sub-division 12 under Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by Section 16-15(12), Article I, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"(12). Private Carrier Permit. Brewers, distillers, wineries, rectifiers, wholesalers, Class B wholesalers, and wine bottlers permittees shall be entitled to transport liquor from the place of sale or distribution to the purchaser, upon vehicles owned in good faith by such permittees when such transportation is for a lawful purpose; provided, however, that such permittees shall not be permitted to engage in the business of transporting for hire such liquor in violation of the motor carrier laws of this State and any such permittee desiring to engage in such business for hire shall first secure a certificate or permit, as the case may be, from the Railroad Commission of Texas under the terms of the motor carrier laws, and shall be required to comply with the provisions of such laws. Motor vehicles used for such transportation shall be fully described in

the application for a private carrier permit and such application shall contain all information which shall be required by the Board. All vehicles used for such transportation within the State by such permittees shall have printed or painted on said vehicles such designation as may be required by the Board. It shall be unlawful for any such permittee above named to transport liquors in any vehicle not fully described in his application for a permit.

"The annual fee for such permit shall be Five Dollars (\$5)."

Sec. 3. That subdivision 16 under Section 15, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 16, Article I, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"(16). Wine and Beer Retailer's Permit. The Board is authorized to issue Wine and Beer Retailer's Permits. The holders of such permits shall be authorized to sell for consumption on or off the premises where sold, but not for resale, vinous and malt beverages containing alcohol in excess of one-half of one per cent by volume and not more than fourteen (14) per cent of alcohol by volume. All such permits shall be applied for and issued, unless denied, and fees paid upon the same procedure and in the same manner and upon the same facts and under the same circumstances, and for the same duration of time, and shall be renewable in the same manner, as required and provided to govern application for an issuance of Retail Beer Dealer's Licenses under Article II of this Act, and shall be subject to cancellation or suspension for any of the reasons that a Retail Beer Dealer's License may be cancelled or suspended, and upon the same procedure. The holders of Wine and Beer Retailer's Permits shall also be subject to all provisions of Section 22, Article II of this Act. All alcoholic beverages which the holders of such permits are authorized to sell may be sold with the same restrictions as provided in Article II governing the sale of beer, as to prohibited hours, local restrictions, age of employees, installation or maintenance of barriers or blinds in openings or doors, prohibition of the use of the word

'saloon' in the signs or advertising, and subject to the same restrictions upon consumption of wine as provided for beer in the case of Retail Beer Dealers in Section 15 of Article II of this Act. For the violation of any applicable provisions of Article II, the holders of such permits shall be liable for penalties provided in Article II; for the violation of any other provision of this Act the holders of such permits shall be subject to penalties provided in Article I of this Act.

"The annual fee for such a permit shall be Thirty (\$30.00) Dollars and shall be distributed in the manner provided for the distribution of fees derived under Article II of this Act; provided, however, that a Wine and Beer Retailer's Permit may be issued for a railway dining, buffet, or club car upon payment of a fee of Five (\$5.00) Dollars for each car; provided, however, that application therefor and the payment of fee shall be made direct to the Board; and provided further that any such permit for a railway dining, buffet, or club car shall be inoperative in any dry area as the same is defined in this Act."

Sec. 4. That subsection (2) of Section 15(c), Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by Section 19, Article I, House Bill No. 5, Acts of the Forty-fifth Legislature be amended so that the same shall hereafter read as follows:

"(2). All applications for permits and licenses as provided in this Act shall be sworn to before any person who is authorized by law to administer an oath. All applications for permits for the year beginning September 1, 1937, and succeeding years shall be made on forms furnished by the Board. Such forms shall require of each applicant all information demanded by the provisions of this Act. For succeeding permit years, the Board is authorized to grant permits to applicants, who were permit holders for the previous period or a part thereof, upon filing with the Board a statement in affidavit form, that the facts and representations in the application on file are true and correct; provided however, that the Board or administrator shall have the power to require any other additional information. Forms

for such affidavit shall be furnished by the Board. For succeeding permit years, after the one beginning September 1, 1937, any applicant for a permit who is privileged to procure a permit upon filing of the affidavit as hereinbefore set out, shall not be required to again publish notices as is required of original applicants, but upon payment of the proper fee and the filing of the proper bond and affidavit, the Board is authorized to issue such permit."

Sec. 5. That subsection (4), of Section 17, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by Section 22, Article I, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"(4). It shall be unlawful for any person operating under a permit under Article I of this Act to refuse to allow the Board, or any authorized representative of said Board, or any peace officer upon request to make a full inspection or investigation of the licensed premises."

Sec. 6. That subsection (6) of Section 17, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by Section 22, Article I, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"(6). It shall be unlawful for any person who holds a permit under Article I of this Act to contribute any money or any thing of value toward the campaign expenses of any candidate for any office in this State."

Sec. 7. That section 21(c), Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 29, Article I, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"Sec. 21(c). Each holder of a permit under Article I of this Act who distills, rectifies, manufactures or receives any liquor shall make and keep a record of each day's production or receipt of liquor, the amount of tax stamps purchased by him, and each such permit holder other than a retailer shall make and keep a record of each and every sale of liquor and to whom such sale is

made. Entry of each such transaction shall be made on the day it occurs. All such permittees shall make and keep such other records as may be required by rule and regulation of the Board. All records which permittees are required to make shall be kept available for the inspection of the Board or its authorized representatives for a period of at least two years.

"It shall be unlawful for any person to fail or refuse to make and keep for a period of at least two years any record required in this section, or to fail or refuse to keep such records open for inspection to the Board or its duly authorized representatives during reasonable office hours.

"It shall further be unlawful for any person knowingly with intent to defraud to make or cause to be made any false entry in any records required in this section or with like intent to alter or cause to be altered any item in said records."

Sec. 8. That Section 40, Article I, Acts of the Second Called Session of the Forty-fourth Legislature as amended by Section 30(a), of Article I, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so that the same shall hereafter read as follows:

"Section 40. The Commissioners' Court upon its own motion may, or upon petition as herein provided shall, as provided in Section 32, Article I, order local option elections for the purpose of determining whether alcoholic beverages of the various types and alcoholic contents herein provided shall be legalized or prohibited.

"In areas where any type or classification of alcoholic beverages is prohibited and the issue or issues submitted pertain to legalization of the sale of one or more such prohibited types or classifications, one or more of the following issues shall be submitted:

"(a). 'For legalizing the sale of beer that does not contain alcohol in excess of four (4%) percentum by weight' and 'Against legalizing the sale of beer that does not contain alcohol in excess of four (4%) percentum by weight.'

"(b). 'For legalizing the sale of malt and vinous beverages that do not contain alcohol in excess of

fourteen (14%) per centum by volume and 'Against legalizing the sale of malt and vinous beverages that do not contain alcohol in excess of fourteen (14%) per centum by volume.'

"(c). 'For legalizing the sale of all alcoholic beverages' and 'Against legalizing the sale of all alcoholic beverages.'

"In areas where the sale of all alcoholic beverages has been legalized one or more of the following issues shall be submitted to any prohibitory election:

"(d). 'For prohibiting the sale of all beverages that contain alcohol in excess of four (4%) per centum by weight' and 'Against prohibiting the sale of all beverages that contain alcohol in excess of four (4%) per centum by weight.'

"(e). 'For prohibiting the sale of all alcoholic beverages that contain alcohol in excess of fourteen (14%) per centum by volume' and 'Against prohibiting the sale of all alcoholic beverages that contain alcohol in excess of fourteen (14%) per centum by volume.'

"(f). 'For prohibiting the sale of all alcoholic beverages' and 'Against prohibiting the sale of all alcoholic beverages.'

"In areas where the sale of beverages containing alcohol not in excess of fourteen (14%) per centum by volume has been legalized, and those of higher alcoholic content are prohibited, one or more of the following issues shall be submitted in any prohibitory election:

"(g). 'For prohibiting the sale of alcoholic beverages that contain alcohol in excess of four (4%) per centum by weight' and 'Against prohibiting the sale of alcoholic beverages that contain alcohol in excess of four (4%) per centum by weight.'

"(h). 'For prohibiting the sale of all alcoholic beverages' and 'Against prohibiting the sale of all alcoholic beverages.'

"In areas where the sale of beer containing alcohol not exceeding four (4%) per centum by weight has been legalized and all other alcoholic beverages are prohibited, the following issue shall be submitted in any prohibitory election:

"(i). 'For prohibiting the sale of beer containing alcohol not exceeding four (4%) per centum by

weight,' and 'Against prohibiting the sale of beer containing alcohol not exceeding four (4%) per centum by weight.'

"Where more than one issue is submitted on a single ballot no ballot shall be counted unless the voter shall vote upon each of the issues appearing on any such ballot; and each such ballot shall have printed thereon the words 'This ballot will not be counted unless the voter shall vote upon each of the issues appearing hereon'."

Sec. 9. That subsection 2 of Section 23(a), Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as amended by Section 31, Article I, of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so that the same shall hereafter read as follows:

"(2). Possession of more than one quart of liquor in a dry area shall be prima facie evidence that it is possessed for the purpose of sale."

Sec. 10. That Section 25(a) of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 33-25(a) of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so that the same shall hereafter read as follows:

"Sec. 25(a). The Commissioners' Court of any county in the territory thereof outside incorporated cities and towns and the governing authorities of any city or town within the corporate limits of any such city or town may prohibit the sale of alcoholic beverages by any dealer where the place of business of any such dealer is within three hundred (300) feet of any church, public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in direct line across intersections where they occur."

Sec. 11. That subsection (h) of Section 3, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 49-3(h), of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so that the same shall hereafter read as follows:

"(h). The holder of a Manufacturer's License or a Distributor's License shall be authorized to maintain or engage necessary warehouses, for storage purposes only in areas where the sale of beer is lawful from which deliveries may be made without such warehouses being licensed, except when such a warehouse is a premise to which importations of beer are made from outside the State. Any warehouse in which sales orders for beer are taken or money therefor collected, shall be deemed a separate place of business for which a license is required. The sale and delivery of beer from a truck of a licensed Manufacturer or Distributor to a licensed retail dealer at the latter's place of business shall not constitute such truck to be a separate place of business. The Board shall govern by rule and regulation, the transportation of such beer, the sale of which is to be consummated at the licensed Retailer's place of business."

Sec. 12. That Section 3-b, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 49-3-b, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"Sec. 3-b. It is provided that any person may import tax paid beer into this State for his own personal use but in any one day he shall not import more than one case containing twenty-four (24) bottles having a capacity of not exceeding twelve (12) ounces each, or not exceeding the equivalent thereof if contained in any other kind of container."

"It is also provided that any railroad company operating in this State may import beer owned by such railroad company into this State in such quantities as are necessary to meet the demands of the traveling public while traveling on trains operated by such railroad company, provided, however, no beer shall be sold or served in a dry area."

Sec. 13. That subsection (d) of Section 7, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 49-7(d), House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"(d). No license issued under the provisions of this Article shall be as-

signable by the holder thereof to any other person; provided, that should any holder of a license desire to change the place of business designated in such license, he may do so by applying to the County Judge and receiving his consent or approval as in the case of original application for license as herein provided and without being required to pay additional license fees for the remaining unexpired term of the license held by him."

Sec. 14. That subsection (e), of Section 7, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 49-7(c), House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"(e). No licensee shall obtain any refund upon the surrender or non-use of any license for the manufacture, distribution, importation, or sale of beer except as provided in Section 18 of this Article."

Sec. 15. That Section 9, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 49-9, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so as to hereafter read as follows:

"Sec. 9. Every holder of a Manufacturer's or Distributor's license shall make and keep a record of each day's production or receipt of beer, the amount of stamps purchased by him, and the amount of stamps used by him; and every holder of a Manufacturer's or Distributor's License shall make and keep a record of each and every sale of beer and to whom such sale is made, and entry of every transaction shall be made on the day it occurs; and all such licensees shall make and keep such other records as may be required to be made by the Board or administrator. All records which licensees are required to make shall be kept available for the inspection of the Board or its authorized representatives for a period of at least two years. It shall be unlawful for any person to fail to make records as required herein or fail to keep for a period of at least two years such records open for inspection to the Board or its duly authorized representatives during reasonable office hours, or to make any false entry or fail to make any entry as herein provided.

Sec. 16. That Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 49 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended by adding a new section to be known as Section 10½, Article II, which shall read as follows:

"Sec. 10½. In any incorporated city or town where the sale of beer as defined in the Texas Liquor Control Act is prohibited by charter or amendments thereto or by any ordinance from being sold in the residential section, such charter amendments or ordinances shall remain valid and continue effective until such time as such charter provisions, amendments or ordinances may be repealed or amended.

"All incorporated cities and towns are hereby authorized to regulate the sale of beer within the corporate limits of such cities and towns by charter amendment or ordinance and may thereby prescribe the opening and closing hours for such sales; such cities and towns may also designate certain zones in the residential section or sections of said cities and towns where such regulation for opening and closing hours for the sale of beer shall be observed or where such sales may be prohibited."

Sec. 17. That Section 19 of Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 49-19 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so that the same shall hereafter read as follows:

"Sec. 19. The Board or Administrator shall have the power and authority to cancel the license of any person authorized to sell beer after notice and hearing as herein provided upon finding that the licensee has:

"1. If a Retailer:

"(a) Knowingly sold beer to any person under the age of twenty-one (21) years; or

"(b) Sold beer to any person showing evidence of intoxication; or

"(c) Sold beer during any hours when such sale was forbidden by law; or

"(d) Possessed or permitted to be possessed by his agents or servants (except as to hotels authorized to sell distilled spirits) on premises covered by his license or on premises

adjacent thereto and directly or indirectly under his control any alcoholic beverage that he is not authorized by law to sell at the place of business covered by the license sought to be cancelled by the Board or Administrator; or

"(e) Permitted at his place of business any conduct by any person whatsoever that is lewd, immoral, or offensive to public decency; or

"(f) Employed any person under the age of eighteen (18) years to sell, handle, or dispense or to assist in selling, handling, or dispensing beer in any establishment where beer is sold at retail to be consumed on the premises where sold; or

"(g) Make any false or untrue statements in his application for license; or

"(h) Conspired with any person to violate any of the provisions of Section 24 of this Article or accepted the benefits of any act prohibited by such Section; or

"(i) Refused to permit or interfere with an inspection of the licensed premises by any authorized representative of the Board; or

"(j) Contributed money or other thing of value toward the campaign expenses of any candidate for office; or

"(k) Permitted his license to be used in the operation of a business conducted for the benefit of any person not authorized by law to have an interest in said license; or

"(l) Maintained blinds or barriers at his place of business in violation of the law; or that

"(m) Such licensee (or, if a corporation, any officer thereof) is financially interested in any place of business engaged in the selling of distilled spirits or has permitted any other person who has a financial interest in any place of business engaged in the sale of distilled spirits to be interested financially in the business authorized by the license sought to be cancelled; or

"(n) That the holder of the license sought to be cancelled (or, if a corporation, any officer thereof) is residually domiciled with or so related to any person engaged in the sale of distilled spirits that there is a community of interest which the Board or Administrator may deem inimicable to the purposes of this Act, or is so related to any person in

whose name any license has been cancelled or revoked within the twelve (12) months next preceding any date fixed by the Board or Administrator for hearing upon a motion to cancel or revoke the existing license; or

"(o) That the licensee has violated any provision of this Act or any rule or regulation of the Board at any time during the existence of the license sought to be cancelled or within the next preceding license period of any license held by the licensee;

"(p) In addition to the causes for cancellation hereinbefore set out, the Board or Administrator shall cancel the license of any retailer upon satisfactory proof that the licensee has been finally convicted for the violation of any penal provisions of this Article.

"Provided, however, that no license authorizing the retail sale of beer in a hotel shall be cancelled for the causes specified in the foregoing paragraphs (m) and (n) in those cases where there is a place of business authorized to sell distilled spirits in unbroken packages on premises of the hotel other than that part of such premises covered by the retail Beer Dealer's license.

"2. If a Distributor:

"(a) Violated any of the provisions of Section 24 of this Article; or

"(b) Imported into this State any beer without first having obtained a Distributor's License; or

"(c) Failed to comply with all lawful requirements of the Board as to keeping of records and making of reports; or

"(d) Failed to pay any taxes due to the State as provided in this Article on any beer sold, stored, or transported by the licensee; or

"(e) Refused to permit or interfere with an inspection of his licensed premises or books and records by any authorized representative of the Board; or

"(f) Consummated any sales of beer outside the county or counties in which his license authorizes him to sell; or

"(g) That the licensee has violated any provisions of this Act or any rule or regulation of the Board at any time during the existence of the license sought to be cancelled or within the preceding license period of any license held by the licensee.

**"3. If a Manufacturer:**

"The Board or Administrator shall have the power and authority to suspend after notice and hearing the license of any manufacturer to sell beer in this State, when such licensee does business in violation of the provisions of this Act or rules and regulations of the Board, until said licensee obeys all lawful orders of the Board or Administrator requiring such licensee to cease and desist from such violations.

"Any act of omission or commission enumerated herein as cause for the cancellation or suspension of any type of license shall also be a violation of this Act and subject to the penalties provided in Section 26 of this Article, provided, however, that the penalty for the making of any false or untrue statements in any application for licenses or in any statement, report or other instrument to be filed with the Board and which is required to be sworn to shall be as is provided in Section 17(a)-(2) of Article I of this Act."

Sec. 18. That Section 20, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 49-20, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature as amended, so that the same shall hereafter read as follows:

"Sec. 20. The Board or Administrator shall have the power and authority upon its own motion, and it is hereby made its duty upon petition of any County Judge, County Attorney, or Sheriff of a county, or the Mayor or Chief of Police of any incorporated city or town wherein may be located the place of business of the licensee complained of in such petition to fix a date for hearing, and give notice thereof to any licensee complained of for the purpose of determining whether or not the license of such licensee is to be cancelled by the Board and notify such licensee that he may appear to show cause why such license should not be cancelled or revoked. The Board or Administrator is authorized and empowered to cancel the license of any licensee upon determining after hearing that the holder thereof has given cause for such cancellation in any manner enumerated in Section 19 of this Article."

Sec. 19. That Section 22, Article II, Chapter 467, Acts of the Second

Called Session of the Forty-fourth Legislature as enacted by Section 49-22, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature be amended so that the same shall hereafter read as follows:

"Sec. 22. Any order of the Board or Administrator cancelling a license shall have the effect that it shall immediately be unlawful, after notice thereof is given, for the holder of such cancelled license to sell beer for a period of one year thereafter except during the period that the order of cancellation is superseded pending trial, or unless he shall prevail in any final judgment, rendered upon appeal as herein provided. Appeals from decisions or orders of the Board or Administrator cancelling or refusing a license may be had under the same conditions and provisions prescribed in Section 14 of Article I of this Act.

"No appeal shall lie from an order of suspension of license. No suit of any nature shall be maintained in any Court in this State seeking to restrain the Board or Administrator or any other officer from enforcing any order of suspension issued by the Board or Administrator; and if at any hearing thereon it be shown to the satisfaction of the Board or Administrator that any alcoholic beverage was sold on or from the premises covered by a license during the period of suspension, then such proof shall be sufficient to warrant cancellation of the license.

"The cancellation or suspension of any license shall not excuse nor relieve the violator from the penalties provided in this Article."

Sec. 20. That section 26, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as enacted by Section 49-26, House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature as amended so that the same shall hereafter read as follows:

"Sec. 26. Any person who violates any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

"It is provided, however, that in cases where the Administrator or

the Board in writing recommends acceptance of a plea of guilty, and such plea is accepted, the decree of the court and assessment of penalty shall not require cancellation of a license as provided in Section 19(p) of this Article, but shall leave the question of cancellation of license in such cases to the discretion of the Board or Administrator, having in mind the purposes of this Act."

Sec. 21. The fact that the present Texas Liquor Control Act is inadequate to deal with many phases of alcoholic beverage control, and the further fact that there exist some conditions requiring immediate correction in the public interest and the further fact that the Texas Liquor Control Act as amended becomes effective on September 1, 1937, create an emergency and an imperative necessity that the Constitutional Rule, requiring that all bills be read on three several days in each House be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force on and after September 1, 1937, and it is so enacted.

On motion of Mr. Morse, the report was adopted by the following vote:

## Yeas—112

Adkins	Graves
Alexander	Hamilton
Alsup	Hanna
Amos	Harbin
Baker	Hardin
Bates	Harper
Beckworth	Harrell
Bell	Harris of Archer
Blankenship	Harris of Dallas
Boethel	Hartzog
Bond	Holland
Bradbury	Hoskins
Bridgers	Howard
Brown	Huddleston
Burton	Hull
Carssow	James
Cathey	Johnson of Ellis
Cauthorn	Johnson
Celaya	of Tarrant
Cleveland	Jones of Angelina
Davis of Haskell	Jones of Atascosa
Davis of Jasper	Jones of Falls
Deglandon	Jones of Wise
Derden	Keefe
Dickison	Keith
England	Kelt
Fielden	Kern
Fox	King
Fuchs	Knetsch
Gibson	Langdon

Lankford	Ragsdale
Lanning	Reader
Leath	Reed of Bowie
Leonard	Reed of Dallas
Leyendecker	Rhodes
Little	Roark
London	Ross
Lucas	Russell
Mann	Sewell
Mauritz	Sharpe
Mays	Shell
McConnell	Simpson
McDonald	Skaggs
McFarland	Smith of Tarrant
McKinney	Stinson
Metcalf	Stocks
Moffett	Talbert
Monkhouse	Tarwater
Morris	Tennant
Morse	Tennyson
Newton	Thornberry
Palmer	Waggoner
Patterson of Mills	Walker
Patterson	Weldon
of Travis	Westbrook
Pope	Wood
Powell	Worley

## Nays—3

Hankamer	Thornton
Jackson	

## Absent

Boyer	Herzik
Bradford	Kenyon
Broadfoot	Loggins
Callan	McKee
Colquitt	Riddle
Davisson	Rutta
of Eastland	Schuenemann
Dean	Smith of Hopkins
Dollins	Stevenson
Farmer	Vale
Harris of Dickens	Winfree

## Absent—Excused

Cagle	Oliver
Davison of Fisher	Petsch
Felty	Prescott
Heflin	Quinn
Hyder	Settle
McCracken	Smith
Nicholson	of Matagorda

CONFERENCE COMMITTEE AP-  
POINTED ON SENATE  
BILL NO. 13

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on Senate Bill No. 13: Messrs. Stinson, Hanna, Hamilton, Brown and Wood.

## HOUSE BILL NO. 44 WITH SENATE AMENDMENTS

Mr. Simpson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 44, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Simpson, the House concurred in the Senate amendments by the following vote:

Yeas—116

Adkins	Hartzog
Alsup	Herzik
Amos	Holland
Baker	Hoskins
Bates	Howard
Beckworth	Hull
Bell	Jackson
Blankenship	James
Boethel	Johnson of Ellis
Bond	Johnson
Bradbury	of Tarrant
Bridgers	Jones of Angelina
Brown	Jones of Atascosa
Burton	Jones of Falls
Cathey	Jones of Wise
Cauthorn	Keefe
Cleveland	Keith
Davis of Haskell	Kelt
Davis of Jasper	Kenyon
Davison of Fisher	Kern
Deglandon	King
Derden	Knetsch
Dickison	Langdon
England	Lankford
Felty	Lanning
Fielden	Leath
Fox	Leonard
Fuchs	Leyendecker
Gibson	Little
Hamilton	London
Hankamer	Lucas
Hanna	Mann
Harbin	Mauritz
Hardin	Mays
Harper	McConnell
Harrell	McDonald
Harris of Archer	McFarland
Harris of Dallas	McKee

McKinney	Sewell
Metcalfe	Sharpe
Moffett	Shell
Monkhouse	Simpson
Morris	Skaggs
Morse	Smith of Tarrant
Palmer	Stinson
Patterson of Mills	Stocks
Patterson	Talbert
of Travis	Tarwater
Pope	Tennant
Powell	Tennyson
Ragsdale	Thornberry
Reader	Thornton
Reed of Bowie	Vale
Reed of Dallas	Waggoner
Rhodes	Walker
Roark	Weldon
Ross	Westbrook
Russell	Wood
Rutta	Worley

## Absent

Alexander	Farmer
Boyer	Graves
Bradford	Harris of Dickens
Broadfoot	Huddleston
Callan	Loggins
Carssow	Newton
Celaya	Riddle
Colquitt	Schuenemann
Davison	Smith of Hopkins
of Eastland	Stevenson
Dean	Winfree
Dollins	

## Absent—Excused

Cagle	Petsch
Heflin	Prescott
Hyder	Quinn
McCracken	Settle
Nicholson	Smith
Oliver	of Matagorda

## TO PROVIDE FOR THE APPOINTMENT OF A JOINT COMMITTEE TO MAKE CERTAIN INVESTIGATION

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 11, To provide for the appointment of a Joint Committee to make certain investigation.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution, with the following committee amendments:

"Amend House Concurrent Resolution No. 11, by inserting in blank

spaces on page six the amount of \$750.00."

#### CARSSOW.

Amend House Concurrent Resolution No. 11, by adding at the proper place, the following:

"And provided further, that the Speaker, in making the appointments, shall not be obligated to any name that appears on this resolution."

#### ROSS.

Amend House Concurrent Resolution No. 11, by adding a paragraph in proper place to read as follows:

"Provided, however, that the committee shall confine its survey to duplications in administration of State Departments and State Institutions, and shall make such recommendations as it shall see fit."

The amendments were severally adopted.

Mr. Jones of Atascosa moved the previous question on the resolution, and the main question was ordered.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

#### Yeas—76

Amos	Johnson of Ellis
Baker	Johnson
Bates	of Tarrant
Bell	Jones of Atascosa
Blankenship	Keefe
Boethel	Keith
Boyer	Kern
Bradbury	King
Bridgers	Knetsch
Broadfoot	Langdon
Cathey	Leath
Cauthorn	Leyendecker
Cleveland	Little
Davis of Haskell	Loggins
Deglandon	Mauritz
Derden	McFarland
Dickison	McKee
England	McKinney
Fielden	Moffett
Fox	Monkhouse
Fuchs	Morse
Gibson	Patterson of Mills
Hamilton	Powell
Hankamer	Reader
Harbin	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Roark
Hartzog	Russell
Holland	Rutta
Hoskins	Schuenemann
Jackson	Sewell
James	Sharpe

Shell	Thornberry
Simpson	Thornton
Smith of Tarrant	Vale
Stocks	Walker
Talbert	Wood
Tennant	Worley
Tennyson	

#### Nays—36

Adkins	London
Alexander	Lucas
Alsup	McConnell
Beckworth	McDonald
Burton	Metcalfe
Celaya	Morris
Davis of Jasper	Palmer
Graves	Patterson
Hanna	of Travis
Harper	Pope
Harris of Archer	Reed of Bowie
Howard	Ross
Huddleston	Skaggs
Jones of Angelina	Tarwater
Jones of Falls	Waggoner
Jones of Wise	Weldon
Kelt	Westbrook
Lankford	Winfree
Lanning	

#### Absent

Bond	Hull
Bradford	Kenyon
Brown	Leonard
Callan	Mann
Carssow	Mays
Colquitt	Newton
Davisson	Petsch
of Eastland	Ragsdale
Dean	Riddle
Dollins	Settle
Farmer	Smith of Hopkins
Felty	Stevenson
Hardin	Stinson
Herzik	

#### Absent—Excused

Cagle	Nicholson
Davison of Fisher	Oliver
Harrell	Prescott
Heflin	Quinn
Hyder	Smith
McCracken	of Matagorda

#### TO PROVIDE FOR ADJOURNMENT SINE DIE

Mr. Kenyon offered the following resolution:

H. C. R. No. 30, To provide for adjournment sine die.

Be It Resolved by the House of Representatives, the Senate concurring, That the First Called Session of the Forty-fifth Legislature stand adjourned sine die Friday, June 25, 1937, at 12:00 noon.

The resolution was read second time, and was adopted.

Mr. Kenyon moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

#### PROPOSED AMENDMENT TO THE RULES

The Speaker laid before the House, for consideration at this time, House Simple Resolution No. 41, by Mr. Bradbury, Proposing certain amendment to the Rules.

The resolution having heretofore been read second time, and referred to the Committee on Rules.

The Committee on Rules having recommended the adoption of the resolution, with the following committee amendment:

"Resolved, That the following be accepted as a rule of the House of Representatives to be known and published as Rule 9-A:

"Rule 9-A. There shall be a standing committee of the House of Representatives on Lobbying which shall consist of five members to be appointed by the Speaker who shall designate one of such members to act as Chairman and another to act as Vice-Chairman.

It shall be the duty of every legislative representative and every attorney, agent or employee of any person, firm or corporation, or of any class or groups appearing before any committee of the House who shall in any manner attempt to aid or influence the passage or defeat of any legislation or measure pending or to be pending before the Legislature, first to register with the Committee on Lobbying by filing with its chairman or vice-chairman a sworn statement truthfully setting forth such facts as will fully disclose his or her interests in and relationship to any and all such legislation or measures or any other information that the Committee desires and on such forms as the Committee may prescribe such statements, so filed to be part of the records of the House of Representatives.

The Committee shall have the power, should it see fit and deem advisable, to send for persons and papers and to summon and examine witnesses under oath and it shall be its duty to make such examinations

and investigations as it shall deem advisable or as may be requested in writing by three or more committee members or by a vote of the House for the purpose of ascertaining and informing the House of Representatives of the facts pertinent to the employment or compensation or services or methods or conduct of any and all legislative representatives, agents or attorneys or of any person, firm or corporation, to influence any act of the Legislature, past, present or future including any and all disbursements for any such purpose or loans theretofore made or agreed to be made or incurred for such purpose by any such representative, agent, or attorney or by any person, firm or corporation represented by him or by anyone within his knowledge. No expense shall be incurred by this Committee unless authorized by a majority vote of the House.

It shall be the violation of the Rules of the House of Representatives punishable as for contempt for any legislative representative, attorney, agent, or employee of any person, firm or corporation to violate any of the provisions of this rule.

The Committee on Lobbying shall hold open sessions and shall from time to time report to the House of Representatives the testimony of all witnesses examined by it and all sworn statements filed with each committee."

BELL,  
METCALFE,  
SMITH of Hopkins.

Question — Shall the committee amendment be adopted?

#### MESSAGE FROM THE SENATE

Austin, Texas, June 24, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 45, A bill to be entitled "An Act amending Art. 793, Chapter 4, Code of Criminal Procedure, 1925, authorizing the Commissioners Court of each county in Texas to fix the rate of wages to be paid county convicts committed to workhouse, county farm or public improvements at an amount per day not less than \$1.00 nor more than \$3.00, and declaring an emergency." (With amendments.)

Adopted conference committee re-

port on Senate Bill No. 20 by the following vote: Yeas, 21; Nays, 2.

The Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 12.

The following have been appointed on the part of the Senate:

Senators Van Zandt, Lemens, Sulak, Woodruff and Neal.

The Senate has passed the following:

H. B. No. 36, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of Texas, of 1925, as amended by Acts of the Forty-first Legislature, page 89, Chapter 43, Section 1, and providing that after the effective date of this Act, the provisions of said Article 2094, as amended, shall not apply to counties containing, according to the last preceding Federal Census, a population of not less than twenty-five thousand and not more than thirty-seven thousand and five hundred and containing a city with a population, according to the last preceding Federal Census, of more than twenty-five thousand, and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act providing an open season for taking mourning doves and white winged doves in the State of Texas; providing a bag limit and possession limit for such birds; providing the means by which same may be taken; providing the hours for shooting during the open season; providing a penalty for violation of any provision of this Act; repealing all laws in conflict with any provision of this Act, and declaring an emergency." (With amendment.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 46, "An Act repealing House Bill No. 915, passed at the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

H. B. No. 67, "An Act for the purpose of conserving the oyster resources of Calhoun County, Texas, by withdrawing the submerged lands in said County from location and lease to private persons and corporations for the planting of oysters and making private oyster beds; making it unlawful to take and transplant seed oysters without securing a permit from the Commissioner's Court; providing a penalty; providing a saving clause, and declaring an emergency."

H. C. R. No. 26, To express legislative intent in regard to certain bill.

#### RECESS

Mr. Keith moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Amos moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question then recurring on the motion to adjourn, it was lost.

Question then recurring on the motion to recess, it prevailed, and the House, accordingly, at 4:30 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The Committee on Municipal and Private Corporations filed a favorable report on House Bill No. 73.

The Committee on Contingent Expenses filed an adverse report on House Simple Resolution No. 18.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 23, A bill to be entitled "An Act instructing the Texas Racing Commission to turn over the Jockey Fund to the State Treasury for deposit to the General Fund, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 25, A bill to be entitled "An Act fixing the compensation of County Auditors in every county having a population of not less than one hundred and ninety thousand (190,000) nor more than two hundred thousand (200,000) inhabitants according to the last preceding United States Census and prescribing how the same shall be paid; providing that in such counties where there is a City and County Hospital that the County Auditor shall audit the books and records of such hospital and shall make reports to the county and city governments covering the operation of such hospital and fixing the compensation therefor and prescribing how the same shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 30, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, shoot or kill any prairie chicken in Colorado and Austin Counties, Texas, for a period of five years; prescribing penalty for violation of the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 32, A bill to be entitled "An Act amending Article 793, Chapter 4, Code of Criminal Procedure, 1925, authorizing the Commissioners' Court of each county in Texas containing a population of not less than seven thousand one hundred (7,100) nor more than seven thousand one

hundred fifty (7,150) according to the last preceding Federal Census, to fix the rate of wages to be paid county convicts committed to work on the county farm or public improvements at an amount per day not less than \$1.00, nor more than \$3.00, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 33, A bill to be entitled "An Act amending Subsection (L) of Section 19, Chapter 465, Acts of the Forty-fourth Legislature, Second Called Session, by providing that premiums on deputies official bonds shall be a legal and legitimate expense of office in counties containing an excess of 190,000 population, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 34, A bill to be entitled "An Act amending Subdivision 83 of Article 1302, Chapter 1, Title 32, of the Revised Civil Statutes of the State of Texas, 1925, authorizing the formation of private corporations to organize laborers, workingmen, wage earners and farmers to protect themselves in their various pursuits; requiring that the Secretary of State give notice of application for charters and amendments for such purposes to Commissioner of Labor Statistics; vesting authority in Commissioner of Labor Statistics to make investigations concerning such applications and to make written recommendations thereon to the Secretary of State; authorizing the Secretary of State at his discretion to refuse to approve and file charters or amendments which appear to him would not be for the best interest of the public, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 38, A bill to be entitled "An Act to amend Article 4285, Revised Civil Statutes, 1925, providing the procedure authorizing the issuance of letters of guardianship in estates of non-resident minors, persons of unsound mind and drunkards; and to amend Article 4286, Revised Civil Statutes, 1925, providing for the sale, renting, leasing, leasing for oil and gas and other minerals of personal and real property of non-resident wards, and for the removal of the same, under orders of the court having jurisdiction of such estate; and repealing Article 4289, Revised Civil Statutes of 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 36, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of Texas, of 1925, as amended by Acts of the Forty-first Legislature, page 89, Chapter 43, Section 1, and providing that after the effective date of this Act, the provisions of said Article 2094, as amended, shall not apply to counties containing, according to the last preceding Federal Census, a population of not less than twenty-five thousand and not more than thirty-seven thousand and five hundred and containing a city with a population, according to the last preceding Federal Census, of more than twenty-five thousand, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 39, A bill to be entitled "An Act granting the Commissioners' Court of Bell County permission to

pay out of the General Fund of said County bounties for the destruction of rattlesnakes and predatory animals, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 44, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 45, A bill to be entitled, "An Act amending Art. 793, Chapter 4, Code of Criminal Procedure, 1925 authorizing the Commissioners Court of each county in Texas to fix the rate of wages to be paid county convicts committed to workhouse, county farm or public improvements at an amount per day not less than 1.00 nor more than \$3.00, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 46, A bill to be entitled "An Act repealing House Bill No. 915, passed at the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 47, A bill to be entitled "An Act to amend Article 2371 of the Revised Civil Statutes of Texas of 1925, and as amended by House Bill No. 675, Acts of the Forty-fifth Legislature, Regular Session, by providing that in all counties of this State, having a population of two hundred and fifty thousand (250,000), or more, according to the last United States Census, the Commissioners' Court in such county may expend, in furnishing a rest room for women in the courthouse, or in courthouse buildings or on courthouse grounds, a sum not to exceed Three Hundred (\$300.00) Dollars; and may expend for its maintenance, including the compensation paid by the county to the matron, an amount not to exceed One Hundred (\$100.00) Dollars per month, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 48, A bill to be entitled "An Act creating a special road law for Montague County; authorizing the Commissioners' Court to issue funding bonds or warrants in lieu of certain scrip warrants issued in the year 1937, and validating such script; providing the method of issuing the same; making it the duty of the Commissioners' Court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the general laws pertaining to roads and bridges applicable in Montague County and providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 50, A bill to be entitled "An Act authorizing independent school districts in which there is situated a city with a population of not less than seven thousand one hundred (7,100) and not more than seven thousand two hundred (7,200) according to the last preceding Federal Census to expend not more than fifty (50%) per cent of the taxes assessed and collected for a period not to exceed four (4) years for the purpose of paying warrants issued in the payment of premium upon bonds refinanced and/or refunded by such independent school district at a less rate of interest and thereby create a saving, and in the payment of the actual and necessary cost of refinancing and of refunding said bond, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 51, A bill to be entitled "An Act to prohibit the use of a seine for taking fish in the waters and tributaries of the Bosque River in Hamilton County, Texas; providing, however, for the use of a net during the months of July, August, September, and October for the purpose of taking fish; permitting the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; providing a penalty; repealing Chapter 47, Acts of the Forty-fourth Legislature, Regular Session; repealing House Bill No. 965, Acts of the Forty-fifth Legislature, Regular Session; and all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 52, A bill to be entitled "An Act authorizing the Commissioners' Court in each county in this State having a population of not less than 42,125, nor more than 42,150, according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business in overseeing the construction work on public roads of the county; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without further expense to the county, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 54, A bill to be entitled "An Act amending Article 3886e, Acts of the Forty-fourth Legislature, page 802, Chapter 343, Section 1, making adequate provision for the compensation of one Court Reporter to be appointed by the Criminal District Attorney in any county having a population in excess of two hundred and fifty thousand (250,000) and less than three hundred and fifty-five thousand (355,000) inhabitants according to the last preceding Federal Census and which alone constitutes two or more judicial districts; providing that in each of such counties the salary of one Court Reporter appointed by the Criminal District Attorney shall not exceed Three Thousand (\$300.00) Dollars per annum, to be paid monthly by such county by warrant drawn upon the general funds thereof, which compensation is less than now provided by Chapter 195, General Laws of the Regular Session, Forty-third Legislature, for the official shorthand reporter in each Judicial District in any such county; repealing that portion of Article 3886 as amended by Section 5 of said Chapter 220, having reference to the appointment of a Court Reporter by the District Attorney or

Criminal District Attorney, and repealing that portion of Subsection f of Section 19, Acts, 1935, of the Second Called Session of the Forty-fourth Legislature, page 1762, Chapter 465, also known as Subsection f of Section 19 of Article 3912e, Revised Civil Statutes, so far as the salary of one Court Reporter is concerned, only, and repealing all laws or parts of laws, General and Special, in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 55, A bill to be entitled "An Act appointing Directors of San Antonio River Canal and Conservancy District, providing for the appointment of their successors, designating their terms of office, providing for the filling of vacancies, prescribing the oath of office, providing who is eligible for appointment, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 57, A bill to be entitled "An Act amending Article 3899 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 311, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 465, Acts of the Second Called Session of the Forty-fourth Legislature; providing that criminal districts attorneys who perform the duties of District Attorneys in certain counties may incur certain expenses in investigating crime and accumulating evidence in criminal cases, and for the payment for mileage traveled by said criminal district attorneys in automobile furnished by them in the discharge of their official duties; providing that this Act shall

be cumulative of all laws not in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 58, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, by adding thereto a new Section to be known as Article 1645b, providing for county auditors in counties containing a population of not less than twenty-seven thousand, five hundred and forty-five (27,545) nor more than twenty-seven thousand, five hundred and fifty-five (27,555) according to the last preceding Federal Census; providing for their compensation and the fund from which it shall be paid, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 60, A bill to be entitled "An Act repealing Section (I) of Article 8017 of the 1925 Revised Civil Statutes of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 61, A bill to be entitled "An Act to amend Article 4180 of the Revised Civil Statutes of the State of Texas as amended by Senate Bill No. 84, Acts of the Regular Session of the

Forty-fifth Legislature, so as to provide for the investment by guardians of the surplus funds of their wards in bonds of any county or district or subdivision in Texas, or of any incorporated city or town in Texas, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 62, A bill to be entitled "An Act amending Section 1 of House Bill No. 186, same being Chapter 10 of the Special Laws of the Forty-third Legislature, Regular Session by extending the closed season on deer in San Augustine and Sabine Counties until February 21, 1939, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 65, A bill to be entitled "An Act amending Section 11 of Senate Bill No. 185, Acts of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 66, A bill to be entitled "An Act amending Section 2, of Senate Bill No. 185, Acts of the Forty-fifth Legislature, Regular Session, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 67, A bill to be entitled "An Act for the purpose of conserving the oyster resources of Calhoun County, Texas, by withdrawing the submerged lands in said County from location and lease to private persons and corporations for the planting of oysters and making private oyster beds; making it unlawful to take and transplant seed oysters without securing a permit from the Commissioner's Court; providing a penalty; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 68, A bill to be entitled "An Act ratifying, confirming and validating all acts of County Boards of Trustees in laying out or attempting to establish, combine, abolish or change any independent or common school districts, and all elections held in any county in this State for the purpose of laying out, establishing, combining, abolishing or changing any such independent or common school districts; providing that contest may be filed within thirty (30) days after the effective date of this Act; providing this Act shall not affect districts which may be in litigation at this time, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 63, A bill to be entitled "An Act to amend Article 2687 of the 1925 Revised Civil Statutes of Texas by adding thereto a new section to be known as Article 2687-a, prescribing the time of meeting of the County

Board of School Trustees in counties containing a population of not less than one hundred thirty thousand and not more than one hundred thirty-three thousand, according to the last preceding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 24, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 40, A bill to be entitled "An Act providing an open season for taking mourning doves and white winged doves in the State of Texas; providing a bag limit and possession limit for such birds; providing the means by which same may be taken; providing the hours for shooting during the open season; providing a penalty for violation of any provision of this Act; repealing all laws in conflict with any provision of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 24, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 69, A bill to be entitled "An Act to amend Article 305, Revised Civil Statutes, 1925, pertaining to candidates applying for examination to practice law; fixing the educational qualifications for applicants for examination; authorizing the Board to waive certain rules of the Supreme Court; providing for liberal construction of certain provisions of this Act; authorizing recommendation of local bar associations in connection with the examination of applicants; providing for recommendations where no bar association exists in county of residence of applicant; and

making such recommendation to prevail, and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

WESTBROOK, Vice-Chairman.

**REPORTS OF THE COMMITTEE  
ON ENROLLED BILLS**

Committee Room,

Austin, Texas, June 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 28, Requesting the Federal Communications Commission to increase the allotment of power to radio station KGKL.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, June 23, 1937.\*

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 27, Instructing the Old Age Assistance Commission to grant assistance to those leaving the State for a reasonable duration of time.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

**BILLS AND RESOLUTIONS SENT  
TO THE GOVERNOR**

June 24, 1937.

House Bill No. 67.

House Bill No. 46.

House Concurrent Resolution No. 26.

House Concurrent Resolution No. 28.

House Concurrent Resolution No. 27.

In Memory of  
**Mrs. Thomas O'Keeffe**

---

Mr. Hankamer offered the following resolution:

Whereas, The Members of the House of Representatives have learned with the deepest regret of the sudden death of Mrs. Thomas O'Keeffe of El Paso and Austin, Texas, on June 23rd, 1937; and

Whereas, Mrs. O'Keeffe was a member of a pioneer and respected Texas family of long prominence; and

Whereas, Mrs. O'Keeffe has been an employee on the personnel of the House of Representatives during the past several Sessions of the Legislature; and

Whereas, Her lovable personality and gracious manner won her the esteem of all those who were privileged to know and serve with her; and

Whereas, The Members of the House of Representatives of the State of Texas regret exceedingly the passing of this Christian woman; now, therefore, be it

Resolved by the House of Representatives of the Forty-fifth Texas Legislature, That we express our deepest regrets and heartfelt sympathy to the members of her family in their bereavement; and that when the House adjourns today it do so in honor of her memory; and that a page of the Journal be set apart for the enrollment of this resolution; and that the Chief Clerk of the House be instructed to send a floral offering and that the members of the family of the deceased be furnished copies of this resolution under the seal of the House of Representatives.

HANKAMER,  
BRIDGERS,  
JACKSON.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keffe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Riddle, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.